

**Minutes of 1042<sup>nd</sup> Meeting of the  
Town Planning Board held on 4.10.2013**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr Timothy K.W. Ma

Professor Edwin H.W. Chan

Mr Rock C.N. Chen

Mr Maurice W.M. Lee

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Roger K.H. Luk

Ms Anita W.T. Ma

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Deputy Director of Environmental Protection

Mr C.W. Tse

Deputy Director of Lands (General)

Mr Jeff Y.T. Lam

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr Laurence L.J. Li

Dr W.K. Yau

Professor K.C. Chau

Assistant Director (2), Home Affairs Department

Mr Eric K.S. Hui

**In Attendance**

Assistant Director of Planning/Board  
Ms Brenda K.Y. Au

Chief Town Planner/Town Planning Board  
Mr Edward W.M. Lo (Agenda Items 1 to 4)  
Ms Donna Y.P. Tam (Agenda Items 5 to 18)

Senior Town Planner/Town Planning Board  
Ms Caroline T.Y. Tang (Agenda Items 1 to 4)  
Ms Johanna W.Y. Cheng (Agenda Items 5 to 18)

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 1041<sup>st</sup> Meeting held on 13.9.2013**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1041<sup>st</sup> Meeting held on 13.9.2013 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[The meeting was conducted in Cantonese.]

- (i) [Closed Meeting]

2. This item was recorded under confidential cover.

- (ii) Amendment of Planning Permission  
Proposed Columbarium in “Government, Institution or Community” Zone,  
Lot No. 667 in D.D. 131, Yeung Tsing Road, Tuen Mun,  
New Territories  
(Application No. A/TM/441)

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[Closed Meeting]

3. As Urbis Ltd., Environ Hong Kong Ltd. and CKM Asia Ltd. were the consultants of the applicant, the following Members had declared interests in this item:

Mr Ivan C.S. Fu	] had business dealings with Urbis Ltd.
Mr Dominic K.K. Lam	] and Environ Hong Kong Ltd.

Ms Janice W.M. Lai	- had business dealings with Urbis Ltd.
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Professor S.C. Wong	- CKM Asia Ltd. had sponsored some activities of the Institute of Transport
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Studies of the University of Hong Kong,  
of which he was the Director

Professor P.P. Ho - had business dealings with CKM Asia Ltd.

4. Members noted that the above Members had no direct involvement in the application. Members agreed that they could stay in the meeting and participate in the discussion. Members also noted that Mr Ivan C.S. Fu, Mr Dominic K.K. Lam and Ms Janice W.M. Lai had not yet arrived.

5. The Secretary briefed Members on the following main points:

Background

- (a) on 5.4.2013, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) considered the planning application No. A/TM/441 for columbarium use (Shan Guo 善果) in Tuen Mun and decided to approve the application with conditions including, inter alia, the submission of traffic and crowd management plan and implementation of proposed measures identified therein in order to address the Commissioner for Transport and the Commissioner of Police's concerns on the implementation of the traffic management measures for the proposed columbarium;
- (b) to ensure that the requirements of the approval conditions could be enforced during the operation of the columbarium even after the permitted development was undertaken, the Planning Department (PlanD) had recommended in paragraph 12.2 of the RNTPC Paper No. A/TM/441 that *'the planning permission and the conditions attached thereto for the proposed development shall not lapse when the proposed development is undertaken and shall continue to have effect as long as the completed development or any part of it is in existence and the conditions are fully complied with.'* (the Special Provision). This followed a similar case for another columbarium development (Fat Yuen

Ching Shea (佛緣精舍) in Tuen Mun under Application No. A/TM/398 for which the Special Provision was included in the planning permission when the application was approved with conditions by the Board on review on 30.11.2012, based on a legal advice on the appropriateness of the Special Provision;

- (c) during the RNTPC meeting, Members had no question on the application and, after deliberation, RNTPC decided to approve the application with conditions as recommended by PlanD;
- (d) however, the Special Provision was inadvertently omitted in the minutes of RNTPC meeting on 5.4.2013 and the approval letter was subsequently issued to the applicant on 19.4.2013;
- (e) to ensure that the relevant traffic management measures would be in place for the columbarium, it was necessary that the Special Provision be imposed on the planning permission, as recommended in paragraph 12.2 of the RNTPC Paper. It was therefore considered appropriate to submit the case to the Board for rectification to the effect that the Special Provision should be included in the planning permission of Application No. A/TM/441;

#### Legal Advice

- (f) legal advice had been sought on how the Board could rectify the planning permission of Application No. A/TM/441; and
- (g) the Department of Justice advised that given the above background, it was reasonable for the Board to amend the planning permission of Application No. A/TM/441 pursuant to section 46 of the Interpretation and General Clauses Ordinance (Cap. 1) so as to include the Special Provision in the planning permission in order to truly reflect the intention of RNTPC when it decided to grant planning permission at the meeting on 5.4.2013.

6. After deliberation, the Board agreed that the planning permission of Application No. A/TM/441 should be amended to include the Special Provision as stated in paragraph 5(b) above in order to truly reflect the intention of RNTPC, the relevant RNTPC minutes should be amended and the applicant should be advised on such amendment to the planning permission accordingly.

[Ms Bonnie J.Y. Chan arrived to join the meeting at the point.]

(iii) Town Planning Appeal Decision Received

Proposed House (Private Garden ancillary to House)  
in “Green Belt” Zone, a piece of Government Land adjoining  
Lot 400 in D.D. 34, Block B, Rainbow Height, Kon Hang, Tai Po  
(Application No. A/TP/497)

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[Open Meeting]

7. The Secretary reported that the subject appeal was against the Town Planning Board (TPB)’s decision to reject on review an application (No. A/TP/497) for a proposed private garden (ancillary to a house) at a site zoned “Green Belt” (“GB”) on the Tai Po Outline Zoning Plan. The appeal was heard by the Town Planning Appeal Board (TPAB) on 24.4.2013 and dismissed on 26.9.2013 mainly on the following grounds:

- (a) the proposed development, far from defining the limits of urban and sub-urban development areas by natural features or containing urban sprawl, would advance urban sprawl further into the “GB” zone. Although the site had been turned into concrete surface for a long time, as long as the site remained Government land, it would be possible for the Government to turn it into a public garden or recreational area with natural plantation, in line with the planning intention of “GB” zoning. However, once the site was turned into a private garden, it would not be possible for the Government to do so;
- (b) the proposed development was to convert a public area into a private

garden for the exclusive enjoyment of the Appellants and their family members and visitors. This was against the planning intention of the “GB” zoning, which was to provide passive recreational outlets for members of the public to enjoy. Private garden was also not a use envisaged in the Town Planning Board Guidelines No. 10;

- (c) TPAB did not see how the development of a private garden on the site could be said to be a planning justification as the Appellants appeared to suggest;
- (d) the reasons advanced by the Appellants for installing iron fence on the site (including, inter alia, for safety purposes) were not relevant planning considerations and, therefore, were irrelevant to the application;
- (e) noting the circumstances under which the short term tenancies in the vicinity of the site were granted, (i.e. Short Term Tenancy (STT) 746 was granted by the Lands Department without consultation with the Planning Department and STT 1329 was granted on the basis that it could only be used for gardening purpose, which was consistent with the planning intention of the “GB” zone), TPAB did not consider that these short term leases could be regarded as a “precedent” of a private garden development with planning permission; and
- (f) all 12 applications for planning permission concerning development of private garden on land within the “GB” zone in the past two years were rejected by TPB. In the light of the principle of consistency, TPAB considered that this was an additional ground for rejecting the Appellants’ appeal.

8. A copy each of the Summary of Appeal and the TPAB’s decision had been sent to Members for reference on 3.10.2013.

(iv) Appeal Statistics  
[Open Meeting]

9. The Secretary reported that as at 4.10.2013, 17 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	30
Dismissed	:	130
Abandoned/Withdrawn/Invalid	:	171
Yet to be Heard	:	17
Decision Outstanding	:	2
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Total	:	350

(v) Approval of Draft Plans  
[Open Meeting]

10. The Secretary reported that on 10.9.2013, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance and the approval was notified in the Gazette on 27.9.2013:

- (a) Sai Ying Pun and Sheung Wan Outline Zoning Plan (to be renumbered as S/H3/29); and
- (b) Fanling/Sheung Shui Outline Zoning Plan (to be renumbered as S/FSS/18).

[Ms Christina M. Lee arrived to join the meeting at this point.]

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the  
Draft Cheung Sha Wan Outline Zoning Plan No. S/K5/34  
(TPB Paper No. 9443)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

11. As the representations and related comments were concerned with a proposed public rental housing (PRH) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item:

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|--|--|
| Mr Stanley Y.F. Wong   | - being a member of HKHA and Vice-chairman of the Subsidised Housing Committee of HKHA                                   |
| Ms Julia M.K. Lau  | - being a member of the Commercial Properties Committee and Tender Committee of HKHA and had business dealings with HKHA |
| Professor Edwin H.W. Chan                                      | - being a member of the Building Committee of HKHA   |
| Mr Dominic K.K. Lam  | ]  |
| Mr H.F. Leung  | ] had business dealings with HKHA  |
| Ms Janice W.M. Lai   | ]  |
| Mr K.K. Ling<br>(as Director of Planning)                      | - being a member of the Strategic Planning Committee (SPC) and the Building Committee of HKHA                            |
| Mr Jeff Y.T. Lam<br>(as Deputy Director of Lands<br>(General)) | - being an alternate member of the Director of Lands who was a member of HKHA  |

- Miss Winnie M.W. Wong (as Principal Assistant Secretary (Transport), Transport and Housing Bureau) - being the representative of the Secretary for Transport and Housing who was a member of SPC of HKHA
- Mr Eric K.S. Hui (as Assistant Director (2), Home Affairs Department) - being an alternate member of the Director of Home Affairs who was a member of SPC and Subsidised Housing Committee of HKHA

12. Members considered that the interests of the above Members were direct and they should leave the meeting temporarily for this item. Members noted that Ms Julia M.K. Lau, Professor Edwin H.W. Chan, Mr Dominic K.K. Lam, Mr H.F. Leung, Ms Janice W.M. Lai, Mr Jeff Y.T. Lam and Miss Winnie M.W. Wong had not yet arrived, and Mr Eric K.S. Hui had tendered apology for being unable to attend the meeting.

[Mr Stanley Y.F. Wong and Mr K.K. Ling left the meeting temporarily at this point.]

13. The Chairman said that sufficient notice had been given to invite the other representers and commenters to attend the hearing, but they had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence.

14. The following government representatives, the representers, commenters and their representatives were invited to the meeting at this point:

- Mr Wilson Chan - District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK), Planning Department (PlanD)
- Mr Philip Chum - Senior Town Planner/Sham Shui Po, PlanD
- Mr Philip Chang - Town Planner/Sham Shui Po, PlanD
- Mrs Connie Lai - Chief Planning Officer/1 (CPO/1), HD

Ms Rosa Au - Senior Executive Officer (Planning)  
(SEO(Planning)), Leisure and Cultural  
Services Department (LCSD)

R13 – Tse Ping Nam

R668 – 張潤連

Mr Tse Ping Nam - Representer and Representer's Representative

R23 – Lee Kwok Leung

Mr Lee Kowk Leung - Representer

R30 – Cheung Yee Wan

R263 – Ko Sin Yee

Ms Cheung Yee Wan - Representer and Representer's Representative

R32 – Leung Bon

Mr Lau Kwok Kin - Representer's Representative

R58 – Kwok Shu Mo

Mr Kwok Shu Mo - Representer

R71 – 王偉儉 (明勝工程有限公司)

R115 – Tsang Leung

R135 – Leung Wai Lim

R163 – 楊澤強

R515 – 張國榮

R560 – Chan Suk Hing

C27 – Ng Yin Lung

C41 – Lo Ka Lun

Hon Fung Kin Kee, Frederick - Representers' Representative and Commenters'  
Representative

R98 – Lam Chi Wai

Lam Chi Wai - Representer

R99 – Lau Kwok Kin

R254 – Law Siu Ha

R634 – 古四妹

Mr Lau Kwok Kin - Representer and Representers' Representative

R109 – 徐柏生

R268 – Wan Heng Cheong

R283 – Law Ping Hong

R303 – Kong Hin Sang

R306 – 李有發

R318 – 甘彩潔

R361 – 沈羨霞

Ms Chow Wing Heng - Representers' Representative

R119 – Ning Ping Yee, Fanny

Ms Ning Ping Yee, Fanny - Representer

R124 – Chan Kam Leung

Mr Chan Kam Leung - Representer

R125 – Kuo Ah Chun

Ms Kuo Ah Chun - Representer

R141 – Kam Yiu Ming

R402 – 任國全

R533 – Lui Suk Ying

Ms Lui Suk Ying - Representer and Representers' Representative

R171 – Chan Suk Man

- Ms Chan Suk Man - Representer  
Mr Chan Yuk Ming - Representer's Representative

R188 – 麥雪琪

R284 – 馮永佳

R288 – Ma Lee Fung

R310 – 鍾國雄

C29 – 羅治偉

C87 – Leung Hawk Kan

C123 – 羅振輝

- Mr Leung Hawk Kan - Commenter, Representers' Representative and Commenters' Representative

R189 – Lam Suk Man

- Ms Lam Suk Man - Representer

R190 – Mak Siu Hung

- Mr Mak Siu Hung - Representer

R192 – Cheuk Kit Bing, Esther

R386 – Cheuk Kit Ling, Miriam

R407 – 潘家陣

- Ms Cheuk Kit Bing, Esther - Representer and Representers' Representative

R193 – Li Ping Kee

- Mr Li Ping Kee - Representer

R194 – The Mutual Aid Committee of WCFE

R280 – Kwok Fong Lin

R301 – 徐永盛

R317 & C136 – Chung Lai Ming

R516 – Wong Kwan Yin

R529 & C59 – 林溢垣

R555 – Lam Wai Keung

R556 – Chan Kwok Hing

Mr Wong Kwan Yin - Representer, Representers' Representative and Commenters' Representative

R195 – The Hong Kong Association for Democracy and People's Livelihood

Ms Cheng Chui Ting - Representer's Representative

R196 – Kwong Chan Yan

R237 – 湯錫在

R250 – 關淑芬

R255 – Wong Tung

Mr Kwong Chan Yan - Representer and Representers' Representative

R197 – Green Sense

Ms Ho Ka Po - Representer's Representative

R226 – Mok Lai Chun

Ms Mok Lai Chun - Representer

R233 – Chum Tak Shing

Mr Chum Tak Shing - Representer

R246 – Chiu Chung Lun

Li Ying Wing - Representer's Representative

R249 – Daisy Ng

R384 – Ng Ka Fai

R608 – 佘少穎

Ms Daisy Ng - Representer and Representers' Representative

R252 – 麥志明

Mr Lee Kwok Leung - Representers' Representative

R264 – 黎萬勝

R266 – 關焯南

R285 – 胡鴻生

R557 – 張偉雄

R584 – 劉嘉華

R645 – Lo Jin Sian

C73 – 陳艷薇

C88 – 周悅愛

Mr Ho Kai Ming, Calvin - Representers' Representative and Commenters' Representative

R289 – Ho Nai Keung

Mr Ho Nai Keung - Representers' Representative

R304 – 高景暉

R305 – 蘇珮珊

R549 – Chow Yeung Fun

Mr Chow Yeung Fun - Representers' Representative and Representers' Representative

R310 – 鍾國雄

Mr Lit Tat Kwong - Representers' Representative

R327 – Chow Tak Mak

Mr Chow Tak Mak - Representers' Representative

R328 – Wong Chuen Sum

Mr Wong Chuen Sum - Representers' Representative

R343 – Ho Yuk Ping

R409 – 潘詠嫻

Ms Ho Yuk Ping - Representer and Representer's Representative

R345 – To Wai Pan

R452 – Chan Chun Pong

R453 – Chan Sui Ping

R492 – Ho Yuk Ching

R493 – Siu Fung On

R494 – Tai Tung Yee

R497 – 何玉卿

Mr To Wai Pan - Representer and Representatives' Representative

R360 – 黃育祥

R541 – Tong Chak Man

R602 – Leung Mee Chun

Mr Tong Chak Man - Representer and Representatives' Representative

R366 & R475 – Ho Yuk Ping

R406 – 潘炳揚

R408 – 何玉蓮

R598 – Ho Chun Hung

R610 – Ho Kwan Lam

R611 – Wong Kit Yu

Ms Ho Yuk Ping - Representer and Representatives' Representative

R369 – Ho Yuk Wah

R371 – Lau Chun Hang

R378 – 古兆強

R379 – 陳惠蓮

R439 – Yiu Mei Fung

R637 – 陸連福

R686 – Ng Chiu Hung

C138 – Or Siu Fai

Mr Ng Chiu Hung - Representers' Representative and Commenter's Representative

R375 – 羅穎瑜

Mr Ng Yin Lung - Representers' Representative

R386 – Cheuk Kit Ling, Miriam

Ms Cheuk Kit Ling, Miriam - Representers' Representative

R419 – Jacky Yuen

Mr Jacky Yuen - Representers' Representative

R422 – Kwong Lai Ping

Ms Kwong Lai Ping - Representers' Representative

R457 – Cynthia Li

Ms Cynthia Li - Representers' Representative

R485 - Siu Yu

Mr Siu Yu - Representers' Representative

R487 – Lam Tung Ki

Mr Lam Tung Ki - Representers' Representative

R546 – Chow Chung Shing

Mr Chow Chung Shing - Representers' Representative

R547 – Chow Hoi King

Mr Leung Lai - Representers' Representative

R548 – Leung Sau Ching

R605 – 何玉琼

R606 – 孫綽琦

R607 – 孫石寶

Ms Leung Sau Ching - Representer and Representers' Representative

R550 – Wong Kam Leung

Mr Wong Kam Leung - Representer

R551 – Wong Man Ho

R609 – Lau Yin Mui

Mr Wong Man Ho - Representer and Representer's Representative

R576 – Siu Kai Shing (汎美牙科配制公司)

R599 – Wong Hon Hei

R647 – 李日明

Mr Siu Kai Shing - Representer and Representers' Representative

R581 – 梁永林

R587 – 趙惠雲

Mr Lee Tsz King - Representers' Representative

R589 – Ho Kwok Chung

R593 – Ho Kin Kei

R632 – Ngan Pui Ming

R633 – 彭志剛

C12 – 鄺先生

C14 – Ng

C28 – Kong Yuk Tai

C111 – 馮錦釗

C124 – 劉素平

C156 – 陳淑文

C162 – Cheung Kam Chau

Mr Chui Ting Pong - Representers' Representative and Commenters' Representative

R590 – Elizabeth Lin

Ms Elizabeth Lin - Representer

R651 – Chan Yun Sang

Mr Chan Yun Sang - Representer

R652 – Yung Sai Chu

Ms Yung Sai Chu - Representer

R655 – Chan Suk Fai

Ms Chan Suk Fai - Representer

R694 – Kwong Lan Heung

Ms Kwong Lan Heung - Representer

R695 – Lee Chiu Lai

Mr Lee Chiu Lai - Representer

R696 – Pak Shun Lim

Ms Pak Shun Lim - Representer

C1 – Li Pik Yu

Ms Li Pik Yu - Commenter

C27 – Ng Yin Lung

Ms Ng Yin Lung - Commenter

C158 – Kwok Wai Shun

Mr Kwok Wai Shun - Commenter

C168 – Yau Wing Cheung

Mr Yau Wing Cheung - Commenter

15. The Chairman extended a welcome and explained the procedure of the hearing. In view of the large number of attendees at the meeting, the Chairman reminded the attendees that the presentation should be precise and concise and those points presented by earlier representers/commenters should not be repeated. If the hearing could not be finished by 1 p.m., a lunch break would be arranged between 1 p.m. and 2 p.m. The Chairman noted that Hon Fung Kin Kee, Frederick (representative of some representers and commenters) had requested at the meeting to make a presentation earlier as he would need to leave at about 10:30 a.m. for another meeting. Upon consultation with other attendees, the Chairman allowed Mr Fung to make a presentation before 10 a.m. The Chairman then invited the representatives of PlanD to brief Members on the background to the case.

16. With the aid of a Powerpoint presentation, Mr Philip Chum made the following main points as detailed in the Paper:

Background

- (a) on 19.4.2013, the draft Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/34, incorporating amendments including the rezoning of a site at Tonkin Street from “Open Space” (“O”) to “Residential (Group A)” (“R(A)” (the Tonkin Street site), i.e. Amendment Item A, and the rezoning of a site at Hing Wah Street from “R(A)” to “O” (the Hing Wah Street site), i.e. Amendment Item B, was exhibited under section 5 of the Town Planning Ordinance. During the two-month exhibition period, 698 representations (R1 to R698) were received. All the representations were related to the site swap arrangement in relation to Amendment Items A and B. On 5.7.2013, the representations were published for three weeks for public comments, and 170 comments (C1 to C170) were received;
- (b) the Tonkin Street site, with an area of about 2.3 ha, was originally zoned “O” and was currently occupied by a temporary golf driving range. As there was no development programme for the planned open space at the site, and public housing development was compatible with the land use

character of the surrounding areas, the site was considered suitable for rezoning to “R(A)” to help increase the supply of housing units;

- (c) the Hing Wah Street site, with a similar size of the Tonkin Street site (about 2.3 ha), comprised Wang Cheong Factory Estate (WCFE), a part of Wang Cheong Building (WCB) and a part of the eastern portion of Cheung Sha Wan Temporary Wholesale Poultry Market (CSWTWPM). It was identified as a suitable replacement site for the affected planned open space at the Tonkin Street site. The site swap arrangement was to ensure no adverse impact on the open space provision in Cheung Sha Wan;

#### Public Consultation

- (d) on 15.1.2013, the Sham Shui Po District Council (SSPDC) was consulted on the rezoning proposals relating to the Cheung Sha Wan OZP including the site swap arrangement. Members of the SSPDC were generally supportive of the proposals;
- (e) during the two-month exhibition period of the OZP, the amendments to the OZP were presented to the SSPDC at its meeting on 7.5.2013. The concerns raised by DC members were mainly related to Amendment Item B, particularly on the future clearance of WCFE at the Hing Wah Street site;

[Ms Anita W.T. Ma arrived to join the meeting at this point.]

#### The Representations

- (f) out of the 698 representations received, R233 (submitted by a SSPDC Member) supported Amendment Item A but objected to Amendment Item B. R1 to R232 and R234 to R697 (including those submitted by the Mutual Aid Committee of WCFE, Hong Kong Association for Democracy and People’s Livelihood and Green Sense) objected to

Amendment Items A and/or B. R698 (submitted by SSPDC) provided comments on Amendment Item B;

Grounds of the Representations and PlanD's Responses

*Supportive Representation (R233(part))*

- (g) R233 supported the rezoning of the Tonkin Street site to "R(A)" on the grounds that there was a long waiting list for public housing, and releasing land which was readily available for development would help improve the livelihood of the grassroots;
- (h) the supportive views were noted;

[Mr Ivan C.S. Fu arrived to join the meeting at this point.]

*Adverse Representations relating to Amendment Item A (the Tonkin Street Site) (R1, R234 to R697)*

*Demand for Community Facilities*

- (i) a huge increase in population was anticipated with the completion of various private and public housing projects in the area, generating demand for community facilities. If the Tonkin Street site was retained as "O", it could be made available for development into leisure and cultural facilities within a short time frame;
- (j) PlanD's responses were that as the amendments to the OZP involved a direct swap of the planned land uses of the Tonkin Street site and the Hing Wah Street site which were of similar size, the rezoning would not result in any loss in planned open space and would unlikely generate additional pressure for government, institutional and community facilities and infrastructure provision;

*Adverse Environmental Impacts*

- (k) the linear disposition of Un Chau Estate to the north of the Tonkin Street site had already created a wall effect. The related greenhouse/heat island impacts on the residents would be aggravated by the proposed residential development at the Tonkin Street site;
  
- (l) PlanD's responses were that according to relevant government departments, public housing development at the Tonkin Street site would not bring about insurmountable environmental, visual and air ventilation problems. The future public housing development at the Tonkin Street site would be guided by a planning brief and HD would be required to undertake relevant technical assessments including environmental study, visual impact assessment and air ventilation assessment to demonstrate that the future development on site was acceptable. HD would also adopt the Sustainable Building Design Guidelines promulgated by the Buildings Department which could address the concern on heat island effect;

*Adverse Representations relating to Amendment Item B (the Hing Wah Street Site) (R2 to R697 including R233(part))*

*Negative Impacts from Clearance of WCFE*

- (m) as there was an acute shortfall of open space in the area, rezoning of the Hing Wah Street site to "O" implied that over 500 workshop operations in WCFE would have to be cleared sooner. The clearance of WCFE would lead to negative impacts including loss of jobs, clients and investment and business opportunities. Clearance of WCFE would drive out small business operations, throttling the room for survival of small and medium enterprises (SMEs);
  
- (n) PlanD's responses were that the timing of WCFE clearance would depend on the development of the open space. At present, LCSD had

no implementation programme yet. The impacts of clearance of WCFE were largely related to the policy on flatted factories. HD advised that they would liaise with the tenants on the clearance arrangement if and when there was a definite timetable for clearance;

*Demand for Flatted Factories*

- (o) WCFE was located at a convenient location for both operators and clients. It was almost fully occupied and the building age was less than 30 years. The demand for government flatted factory was not met with supply. The industrial district in Cheung Sha Wan North/Lai Chi Kok had already transformed into a business district, and small workshop units were only available at WCFE. The rent of industrial premises in the surrounding areas was unaffordable to the tenants of WCFE;
- (p) PlanD's responses were that the policy regarding government flatted factories was vested with HA. Given the persistent demand for small factory units and the high letting rate of WCFE, HD indicated that there was currently no plan to clear WCFE but its clearance would tie in with the implementation programme of the future open space development;

*Alternative Sites for Open Space*

- (q) the rezoning of WCFE was not the best land use swapping option in addressing housing shortage. Other alternative sites, e.g. the Cheung Sha Wan Wholesale Vegetable Market (CSWWVM), the ex-Cheung Sha Wan Abattoir (ex-CSW Abattoir) site and the western portion of the CSWTWPM, should be considered;
- (r) PlanD's responses were that relevant factors, including planning intention, location and land use compatibility were taken into account in identifying the Hing Wah Street site as a suitable replacement for the originally proposed "O" site at Tonkin Street. CSWWVM and the ex-CSW Abattoir sites were reserved for public housing development,

while the western part of CSWTWPM was already zoned “O”;

*Lack of Consultation*

- (s) PlanD did not consult WCFE when the site was rezoned from industrial to residential use in 1998;
- (t) PlanD’s responses were that the Sham Shui Po Provisional District Board was consulted on the land use proposals on 11.2.1998 before exhibition of the amendments to the Cheung Sha Wan OZP, and had no in-principle objection to the proposed rezoning of industrial sites (including WCFE) for residential use. The OZP incorporating the relevant amendments were then exhibited for public inspection in accordance with the provisions of the Town Planning Ordinance on 24.4.1998 which was a statutory public consultation process. No objection to the amendment relating to the Hing Wah Street site was received during the two-month exhibition period;

*Representations Offering Comments (R698)*

- (u) R698 requested the Government to adopt effective means to properly handle the clearance of WCFE, proactively communicate with the affected operators and set out a clear timetable on the relocation/clearance of WCFE;
- (v) PlanD’s response was that HD would liaise with the tenants if and when there was a clear timetable for the clearance;

The Representers’ Proposals and PlanD’s Responses

- (w) some representers proposed to rezone other sites in the area such as CSWTWPM, ex-CSW Abattoir and CSWWVM to “O” in the site swap arrangement. PlanD’s response was that taking into account relevant factors, including planning intention, location and land use compatibility,

the Hing Wah Street site was considered a suitable replacement site for the originally proposed “O” site at Tonkin Street;

- (x) some representers proposed to revert the WCFE site or the whole Hing Wah Street site to “I”. PlanD’s responses were that as a result of Hong Kong’s economic restructuring and the relocation of traditional manufacturing industries, the Hing Wah Street site including WCFE was rezoned from “I” to “R(A)” in 1998. Rezoning the WCFE site to “I” would depart from the planning intention of phasing out industrial uses from Cheung Sha Wan and would prolong the industrial/residential interface problem;
- (y) some representers proposed to develop the Tonkin Street site into a mixed use development, with the lower floors for market and shopping arcade, while the upper floors can be used as car park and/or open space and residential flats. PlanD’s response was that the zoning amendments under the site swap arrangement was to take forward the Government’s intention in advancing the production of new public housing units in Cheung Sha Wan to help address the shortage of housing supply;
- (z) some representers proposed to give up swapping the WCFE site with the Tonkin Street site. PlanD’s responses were that the “R(A)” zone would allow for composite development with commercial use on lower floors, and the representer’s suggestion had been forwarded to HD for consideration at the detailed design stage;

#### The Comments

- (aa) out of the 170 comments received, 160 of them were submitted in seven types of standard letters. 40 of them did not support R698 as they generally considered that R698’s suggestion about proper arrangement of clearance/relocation of WCFE would imply vacation of the units in WCFE, hence ignoring the impact on the loss of businesses and

employments, and they requested that WCFE be retained. The remaining 130 comments supported various adverse representations and their proposals on rezoning the CSWTWPM site and/or the ex-CSW Abattoir site to “O” and rezoning the WCFE site to “I”. The grounds of the comments were generally similar to those provided in the related representations; and

#### PlanD’s Views

(bb) the support of R233(part) relating to the rezoning of the Tonkin Street site was noted. The views of R698 were noted and had been referred to HD for consideration and follow-up as appropriate. PlanD did not support R1 to R697(including R233(part)) and considered that the Plan should not be amended to meet the representations for the reasons given in paragraph 6.3 of the Paper.

17. The Chairman then invited the representers and commenters to elaborate on their representations and comments. The Chairman said that the presentation should be confined to an elaboration of the written submissions and any new information submitted/presented would not be taken into consideration by the Board.

#### R13 – Tse Ping Nam

#### R668 – 張潤連

18. Mr Tse Ping Nam made the following main points:

- (a) he worked in the metal and construction industry. He moved into WCFE a few years ago upon clearance of the Kowloon Bay Factory Estate;
- (b) the small unit size of WCFE (about 200 ft<sup>2</sup> to 500 ft<sup>2</sup>) was suitable for his business. Besides, his operation involved welding and metal hammering which might generate air and noise pollution to the surroundings, which was undesirable to be accommodated in

conventional industrial buildings. He also could not afford the high rent of other industrial buildings. If WCFE had to be cleared, he had to close his business;

- (c) there were a number of open spaces in Sham Shui Po including Sham Shui Po Park and Sham Shui Po Swimming Pool. Clearance of WCFE for providing an additional open space was considered not necessary; and
- (d) the rezoning of the Tonkin Street site for public housing development was supported. However, the site swap arrangement requiring the rezoning of WCFE to “O” was not justified. The proposal would affect the livelihood of SMEs in WCFE. WCB (a government warehouse), which formed part of the Hing Wah Street site, could be changed to “O” but not WCFE.

[Miss Winnie M.W. Wong arrived to join the meeting at this point but she left temporarily for this item as she had declared interest in this item.]

R30 – Cheung Yee Wan

R263 – Ko Sin Yee

19. Ms Cheung Yee Wan made the following main points:

- (a) she operated a printing company in WCFE for more than 20 years. A printing machine was just newly bought under a loan financing arrangement. The removal cost would be very high and the relocation process was technically complicated. It would also be difficult for them to identify a suitable industrial premises for relocation;
- (b) she was so worried that her business would need to be closed down due to the clearance of WCFE. As relocating the business to the Mainland was not feasible for her, her livelihood would be greatly affected;

- (c) the Government's policy was to assist SMEs. Their company had applied for the government assistance in purchasing the machinery. Nevertheless, the planning policy was not in line with such a directive;
- (d) with the closure of the workshops in WCFE, many workers would lose their jobs, leading to an increase in the demand for the Government comprehensive social security assistance (CSSA);
- (e) they did not require additional open space. Instead, they needed a place for continuing their business; and
- (f) taking into account that the building was still in good conditions, the facilities were properly maintained and the occupancy rate was high, WCFE should not be demolished.

20. In response to the concerns of the representers, the Chairman said that as stated in the Paper, HD had no plan to demolish WCFE.

R71 – 王偉儉 (明勝工程有限公司)

R115 – Tsang Leung

R135 – Leung Wai Lim

R163 – 楊澤強

R515 – 張國榮

R560 – Chan Suk Hing

C27 – Ng Yin Lung

C41 – Lo Ka Lun

21. Hon Fung Kin Kee, Frederick made the following main points:

- (a) WCFE was one of the six remaining factory estates in Hong Kong. The design of the building was most suitable for the operation of SMEs. But this type of units was very limited in Hong Kong;

- (b) as revealed in the occupancy rate of WCFE, the current demand for government flatted factories was great;
- (c) although the subject site had once been rezoned from “I” to “R(A)” for a period of 15 years, WCFE had not yet been demolished. Clearance of WCFE would affect about 500 tenancies and 3,000 workers. In fact, the relocation costs including removal, disassembling, re-assembling and calibrating of the machines would be very high. Many of the workshops would be closed down and thus the affected operators and workers would become unemployed, resulting in an increasing demand for CAAS;
- (d) according to the recent economic development, some manufacturers were relocating their businesses back to Hong Kong. In this regard, the demand for industrial buildings, including government flatted factories, would increase. Revival of industrial activities in Hong Kong should be supported by the Government;
- (e) there were a lot of open spaces in the Sham Shui Po District such as Sham Shui Po Park, Sham Shui Po Swimming Pool, Lai Chi Kok Park and Lai Chi Kok Swimming Pool. The shortfall in the provision of open space, if any, should not be significant;
- (f) there were alternative sites for open space development, e.g. the ex-CSW Abattoir, CSWWVM, CSWTWPM and WCB (a government warehouse); and
- (g) according to LCSD and HD, i.e. the government departments for the implementation of open space and the management of WCFE respectively, there was currently no plan to demolish WCFE and to develop an open space there. As such, the proposed rezoning of the site for open space development would not be required and there should be better co-ordination amongst the relevant bureaux/departments.

22. The Chairman reiterated that the Government had indicated no plan to demolish WCFE.

R32 – Leung Bon

23. Mr Lau Kwok Kin said that Mr Leung Bon (R32) who was aged 74 still worked on traffic light projects. Mr Leung objected to the rezoning of WCFE to “O” on the grounds that there was no public consultation and clearance of WCFE would lead to the closure of his business.

R99 – Lau Kwok Kin

R254 – Law Siu Ha

R634 – 古四妹

24. Mr Lau Kwok Kin further made the following main points:

- (a) being a tenant of the government flatted factory for more than 30 years, he objected to the rezoning of WCFE;
- (b) over 90% of the operators in WCFE were serving the Hong Kong community. Demolition of WCFE would directly affect the livelihood of the operators and workers therein. It was unfair that they were not consulted on the rezoning of WCFE;
- (c) there were many open spaces in Sham Shui Po but their utilisation rate was relatively low. As such, the rezoning of WCFE to “O” was not required; and
- (d) he also spoke on behalf of two people working in WCFE. They were very worried about the demolition of WCFE and requested that WCFE should not be demolished or relocated.

[Mr Patrick H.T. Lau arrived to join the meeting at this point.]

R109 – 徐柏生

R268 – Wan Heng Cheong

R283 – Law Ping Hong

R303 – Kong Hin Sang

R306 – 李有發

R318 – 甘彩潔

R361 – 沈羨霞

25. Ms Chow Wing Heng made the following main points:

- (a) WCFE was rezoned to “R(A)” in 1998 but so far, the residential use had not been implemented. If residential development was not an optimal use of the site, a land use review should be conducted to identify a more suitable use for the site. The high occupancy rate of WCFE implied that there was a strong demand for government flatted factories. Moreover, it was noted that out of the six remaining factory estates in Hong Kong, four of them were zoned “I”. In this regard, the proposal of rezoning WCFE to “I” should be considered;
- (b) if WCFE could be retained, it would provide more employment opportunities for the grassroots and reduce the number of people living in poverty;
- (c) she queried if there was any shortfall in the provision of open space in the Sham Shui Po District; and
- (d) there were other alternative sites, e.g. the ex-CSW Abattoir and CSWWVM, that could be used for open space development.

R124 – Chan Kam Leung

26. Mr Chan Kam Leung said that he was born and lived in Sham Shui Po. He moved into WCFE in 1984. WCFE was a factory building with small businesses of

multi-disciplines, including electronics, electricity and water works. They had made contribution to the society. Noting that some manufacturing industries had been returned to Hong Kong, he objected to the clearance of WCFE.

R141 – Kam Yiu Ming

R402 – 任國全

R533 – Lui Suk Ying

27. Ms Lui Suk Ying made the following main points:

- (a) some information contained in the Paper was misleading. She queried if SSPDC was in fact generally supportive to the subject rezoning proposals. She was also concerned whether the Sham Shui Po Provisional District Board had consulted all the people working or living in Sham Shui Po when WCFE was rezoned from “I” to “R(A)” in 1998. The tenants of WCFE were not consulted on the rezoning at the time;
- (b) she started her business in WCFE in 2000. She could not understand why the “R(A)” zone had never been implemented after the rezoning in 1998. At the time when the site was rezoned to “R(A)”, WCFE had only been completed for 14 years. If the Government had no intention to pull down WCFE, there was no point to rezone the site to another use. On the contrary, if there was no plan to demolish WCFE, then there should be better co-ordination among the relevant government departments regarding the future of WCFE; and
- (c) the large number of adverse representations submitted by the tenants of WCFE reflected that the subject rezoning would greatly affect their livelihood.

R171 – Chan Shuk Man

28. Ms Chan Suk Man said that she shared the view in support of retaining WCFE as expressed by other tenants. WCFE should be retained as the rent was set at an

affordable level and it would be difficult for them to be relocated elsewhere. Demolition of WCFE would also lead to unemployment and other social problems.

R188 – 麥雪琪

R284 – 馮永佳

R288 – Ma Lee Fung

R310 – 鍾國雄

C29 – 羅治偉

C87 – Leung Hawk Kan

C123 – 羅振輝

29. Mr Leung Hawk Kan made the following main points:

- (a) he worked as a trainee of the Hong Kong Association for Democracy and People's Livelihood during this summer and he had interviewed 125 tenants in WCFE. According to the interviews, WCFE comprised many different industries including decoration, printing, bamboo steamer production and making of paper offerings. Most of the tenants were over 40 years old who were experienced but with low job mobility due to their specified skills. Their income level was low and some of them could only marginally support their families. Most of the tenants had already stayed in WCFE for 12 to 15 years. The turnover rate of the factory units was not high because those workshops might involve large machines which were not only costly but also technically difficult to be removed. Some operators would operate outside of the building during the daytime and could only return to work in the building in the late evening;
- (b) there was sufficient open space in the Sham Shui Po District which included Sham Shui Po Park and Sham Shui Po Swimming Pool. The rezoning of the WCFE site was only to make up the figure for "O" due to the rezoning of the Tonkin Street site from "O" to "R(A)"; There was no clear policy on the future development of WCFE;

- (c) if WCFE had to be demolished, a lot of people would lose their jobs and thus the demand for CAAS and PRH would also increase; and
- (d) it was hoped that the SMEs could continue their businesses in WCFE so that the workers could be self-reliant.

R192 – Cheuk Kit Bing, Esther

R386 – Cheuk Kit Ling, Miriam

R407 – 潘家陞

30. Ms Cheuk Kit Bing, Esther made the following main points:

- (a) once the Hing Wah Street site was rezoned to “O”, an industrial building on the site, i.e. WCFE, would become an unauthorised development. As such, the subject site should be rezoned to “T”; and
- (b) she lived in Mei Foo San Chuen and worked in WCFE. She chose to work in WCFE because it was located close to her living place so that she could manage to take care of her family, in particular her aged mother. WCFE had a locational advantage of being located near to the residential areas and it could provide employment for the housewives nearby.

R193 – Li Ping Kee

31. Mr Li Ping Kee made the following main points:

- (a) he was a publisher, the owner of Tin Yan Book Store. Although he was already 78 years old, he enjoyed his work very much. Thus, he strongly requested that WCFE should be retained;
- (b) the site swap arrangement was supported by SSPDC and could act as a catalyst for the demolition of WCFE;

- (c) a lot of people were working in WCFE. If it had to be cleared, many small workshop operations would be closed down. Thousands of people working there would lose their jobs and could not support their families;
- (d) at the time when WCFE was built in 1984, the subject site was originally zoned “I”. PlanD did not consult the tenants of WCFE when the site was rezoned from “I” to “R(A)” in 1998, paving way to further change the site to “O”;
- (e) if the site was not reverted to “I”, the clearance of WCFE could take place at any time. The “O” zoning would render the industrial building at the site an unauthorised development;
- (f) there was sufficient open space provision in the Sham Shui Po District;
- (g) even though most of the factories had been moved to the Mainland since 1980s, there were still a number of small scale local industries staying in Hong Kong, like those in WCFE which were contributing to the economic development of Hong Kong. Clearance of WCFE would lead to negative impact including closing down of businesses and loss of jobs; and
- (h) it was proposed that the subject site should be rezoned to “I”.

R194 – The Mutual Aid Committee of WCFE

R280 – Kwok Fong Lin

R301 – 徐永盛

R317 & C136 – Chung Lai Ming

R516 – Wong Kwan Yin

R529 & C59 – 林溢垣

R555 – Lam Wai Keung

R556 – Chan Kwok Hing

32. Mr Wong Kwan Yin made the following main points:

- (a) some of tenants in WCFE were only micro enterprises, not even SMEs, but they had provided a wide range of goods and services for the community;
- (b) while there were over 500 operators in WCFE, they were not consulted on the rezoning proposal;
- (c) although he was over 60 years old, his company could still support a few workers who were mainly local residents;
- (d) the government flatted factories could provide a wide range of employment opportunities for those youngsters who decided not to continue their academic study. Besides, they could also provide a good place for the young people to set up their own businesses as the investment cost would not be very high; and
- (e) if WCFE had to be demolished, there would be no other suitable premises for relocation. Furthermore, some manufacturing industries were returning to Hong Kong, resulting in an increasing demand for industrial premises and higher rental costs.

[Ms Anita W.T. Ma left the meeting temporarily at this point.]

R195 – The Hong Kong Association for Democracy and People’s Livelihood

33. Ms Cheng Chui Ting made the following main points:

- (a) she spoke on behalf of the Hong Kong Association for Democracy and People’s Livelihood based on the views collected from the Mutual Aid Committee of WCFE;

- (b) the tenants of WCFE considered that SSPDC could not represent their views on the rezoning of WCFE. SSPDC's suggestion to ensure proper arrangement of clearance/relocation for WCFE ultimately would imply supporting the vacation of the units in WCFE, hence ignoring the hardship to the tenants of WCFE in relation to the loss of businesses and employment;
- (c) if the Government had no plan to demolish WCFE, then there was no need to rezone the concerned site to "O". Once rezoned, the tenants were so worried that they would be forced to move out from the building some time in the future;
- (d) as many of tenants were rather old, they were reluctant to move elsewhere. They wished to continue working in WCFE and to be self-reliant;
- (e) there were alternative sites for open space development, e.g. the ex-CSW Abattoir and CSWWVM, as they were vacant and readily available for other uses; and
- (f) WCFE should be rezoned from "R(A)" to "I".

R196 – Kwong Chan Yan

R237 – 湯錫在

R250 – 關淑芬

R255 – Wong Tung

34. Mr Kwong Chan Yan made the following main points:

- (a) he was the former Chairman of the Mutual Aid Committee of WCFE;
- (b) his printing company was relocated from Wan Chai to WCFE upon its

completion as the rent of government flatted factories was more affordable and the tenancy would be more certain;

- (c) a mix of industries could be found in WCFE. Printing was one of the most popular trades in WCFE. There were also many small handicraft workshops on kites, bamboo steamers, crafts and dentures, etc.;
- (d) some SSPDC Members had never visited WCFE, so they could not fully understand the concerns of the tenants;
- (e) many operators and workers of WCFE were living in the nearby residential developments;
- (f) the traditional industrial district in Lai Chi Lok had already transformed into a business district, and small workshop units were only available at WCFE. If WCFE had to be demolished, many people would become unemployed;
- (g) given that there were a number of newly proposed housing developments in the area, more job opportunities should be provided to meet the needs of the additional population; and
- (h) he objected to the site swap arrangement.

#### R197 – Green Sense

35. With the aid of a Powerpoint presentation, Ms Ho Ka Po made the following main points:

#### Amendment Item A (the Tonkin Street site)

- (a) there was no objection to the rezoning of the Tonkin Street site for residential development. The subject site, being occupied by a temporary golf driving range, currently served as a breathing space in the

area. To achieve better air ventilation of the area, the future residential development at the Tonkin Street site should be of medium density. Noting that the site was rezoned to “R(A)” for high-rise development, it was proposed that at least three wind corridors should be reserved within the site;

- (b) there were already a number of high-rise developments along Tonkin Street. As the proposed “R(A)” site was subject to a domestic plot ratio of 7.5 and non-domestic plot ratio of 1.5, and a podium design might be adopted, the air ventilation issue should be addressed properly;

Amendment Item B (the Hing Wah Street site)

- (c) objection was raised against the clearance of WCFE for open space development. Since the building was operating properly and the occupancy rate was over 98%, it should not be demolished to make up the shortfall in the provision of open space;
- (d) the rezoning of WCFE to “O” was considered unreasonable. If there was no plan to demolish the factory building, the open space could not be implemented and hence the shortfall in the open space provision could not be met. If the building was to be demolished, a lot of SMEs would be closed down and a huge amount of construction debris would be created, which were detrimental to the society/environment;
- (e) the two sites were identified for swapping because of their similar site area. However, it should be noted that there were a number of proposed residential developments in the area. With the increased population, the shortfall in the provision of open space might further increase;
- (f) their proposals were to retain WCFE, to revert the WCFE site to “T” and to rezone other sites in the area such as the ex-CSW Abattoir to “O”;

Amendment Item F (the Cheung Sha Wan Road site)

- (g) the amendment involved the rezoning of a site at Cheung Sha Wan Road from “Government, Institution or Community” (“G/IC”) to “Commercial (5), with the building height restriction amended from 12 storeys to 100mPD. If the existing government quarters on the site would be reprovisioned, then the rezoning should not be made;

Amendment Item G (the Fuk Wa Street/Fuk Wing Street site)

- (h) the amendment was related to the rezoning of a site at Fuk Wing Street (east of Camp Street) from “G/IC” and “R(A)7” to “R(A)10”. There were concerns on whether those new flats would be affordable to the local people and whether the aforesaid rezoning could help improve the living conditions of the local residents;

Conclusion

- (i) as revealed in the site swap arrangement, the existing uses had not been taken into account by the Government. Moreover, the impact on the SMEs brought by the clearance of WCFE had been ignored;
- (j) as demonstrated in the two sites under Amendment Items (F) and (G), the Government had recently adopted a more flexible approach in allowing higher density developments. Under the changed policy, the environmental and air ventilation impacts on the surrounding areas should be properly addressed;
- (k) in view of increasing public aspirations, public engagement as part of the planning process should be more facilitating; and

[Ms Anita W.T. Ma returned to join the meeting at this point.]

- (l) while the industrial sector played a less important role in Hong Kong nowadays, the advantages and disadvantages of homogenisation and diversification of the Hong Kong economy should be carefully assessed.

R226 – Mok Lai Chun

36. Ms Mok Lai Chun made the following main points:

- (a) she was a member of the Mutual Aid Committee of WCFE for more than 10 years and was operating a metal ware workshop in WCFE;
- (b) the views of SSPDC were biased as the tenants of WCFE had not been consulted. SSPDC was only concerned about the arrangement of clearance/relocation of WCFE, which could not represent the views of the affected tenants;

[Dr Wilton W.T. Fok left the meeting and Mr Maurice W.M. Lee arrived to join the meeting at this point.]

- (c) WCFE should be retained for the reasons that the building was not very old, the factory units were almost fully occupied and the small units were required by the SMEs. Upon clearance of WCFE, hundreds of operators would lose their businesses and thousands of workers would lose their jobs;
- (d) there were other alternative sites for the site swap arrangement;
- (e) housing was not the only problem that needed to be resolved in Hong Kong. Attention should also be given to other social issues such as unemployment and limited job variety; and
- (f) WCFE should be rezoned to “T”.

[The meeting adjourned for a short break of 5 minutes.]

R233 – Chum Tak Shing

37. Mr Chum Tak Shing made the following main points:

- (a) he was a member of SSPDC. He regretted to learn that in 1998, the tenants were not consulted by the SSPDC on the land use rezoning related to WCFE;
- (b) it was recognised that more land should be identified for public housing developments. However, there was no requirement that any loss in open space should be compensated;
- (c) even if a site swap arrangement was considered appropriate, there were other alternative sites suitable for open space development, e.g. the ex-CSW Abattoir, CSWWVM and CSWTWPM. If CSWWVM was rezoned to “O”, a city lung could be formed with the adjoining Sham Shui Po Park and Sham Shui Po Swimming Pool. Given that there were quite a number of open spaces in the vicinity and the population would be increased in the future, the provision of open space should be planned more comprehensively within a wider area; and
- (d) once the site was rezoned to “O”, it could not preclude the possibility of implementing an open space at the site some time in the future. The rezoning would generate fears and resistance from thousands of workers in WCFE. Therefore, WCFE should be rezoned to “I”.

R249 – Daisy Ng

R384 – Ng Ka Fai

R608 – 余少穎

38. Ms Daisy Ng said that WCFE should be retained. Public housing should not be provided at the expense of the interests of the tenants of WCFE. WCFE should be retained as a factory building for small enterprises. There were already many open spaces in the area. Even if more open space was needed, other vacant sites should be considered

instead.

R264 – 黎萬勝

R266 – 關焯南

R285 – 胡鴻生

R557 – 張偉雄

R584 – 劉嘉華

R645 – Lo Jin Sian

C73 – 陳艷薇

C88 – 周悅愛

39. Mr Ho Kai Ming, Calvin made the following main points:

- (a) the Government claimed that there was no plan to demolish WCFE. However, once the site was rezoned to “O”, the future development of the site would be outside the control of HKHA and there was no guarantee that the site would not be taken back by LCSD for the implementation of an open space some time in the future;
- (b) clearance of WCFE would lead to the closing down of many small workshop operations. Even though the Government had provided assistance to SMEs, many tenants in WCFE were micro enterprises which were not eligible for any government assistance. They were small in scale but they did contribute to the economic development of Hong Kong. These small businesses should be allowed to survive;
- (c) the Tonkin Street site, being occupied by a golf driving range, was an open space and should not be rezoned to residential use. Other “R(A)” sites, e.g. CSWWVM and the ex-CSW Abattoir, could be used for residential developments. The CSWWVM and the ex-CSW Abattoir site was about 4 ha and could provide about 5,000 PRH units. Furthermore, if the Tonkin Street site was not rezoned to “R(A)”, then there was no need to rezone the Hing Wah Street to “O”;

- (d) it was noted that clearance of CSWWVM would affect a total of about 15,000 workers while demolition of WCFE would only affect about 500 tenancies. That might be the reason why the Government decided to rezone WCFE to “O” but not CSWWVM; and
- (e) there was objection to the rezoning of WCFE to “O”. It was requested that WCFE should be retained.

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

R289 – Ho Nai Keung

40. Mr Ho Nai Keung said that one of the major planning objectives was to provide a suitable place for the people to live and work. This planning objective would be jeopardised by rezoning the Hing Wah Street site to “O”. The adverse impact caused by the rezoning should be carefully assessed.

R304 – 高景暉

R307 – 蘇珮珊

R549 – Chow Yeung Fun

41. Mr Chow Yeung Fun made the following main points:

- (a) he removed his workshop from Shek Kip Mei to WCFE about 10 years ago;
- (b) once the Hing Wah Street site was rezoned to “O”, WCFE would constitute an unauthorised development. He was concerned that WCFE would be demolished soon; and
- (c) being a small group of micro enterprises, they wished to continue their businesses in WCFE so that they could be self-reliant.

R343 – Ho Yuk Ping

R409 – 潘詠嫻

42. Ms Ho Yuk Ping said that she worked in the garment industry for many years. Since 1980s, the garment industry was declining in Hong Kong and many of the workers lost their jobs. As many of the workers in WCFE were of low education level, once they lost their jobs, it would be difficult for them to find another one. She requested that WCFE should be retained.

R345 – To Wai Pan

R452 – Chan Chun Pong

R453 – Chan Sui Ping

R492 – Ho Yuk Ching

R493 – Siu Fung On

R494 – Tai Tung Yee

R497 – 何玉卿

43. Mr To Wai Pan made the following main points:

- (a) he was the owner of Sum Hing Kee Bamboo Steamer Co. Ltd. which was established about 40 years ago and subsequently moved into WCFE;
- (b) the Government should give the small businesses a chance to survive. The economy should be supported by different industries of varying scales. The existence of SMEs and micro enterprises was also valuable to Hong Kong. The local industries should be allowed to continue their operations. They could also help create job opportunities for the grassroots and young people, which would be beneficial to the society;
- (c) in considering a rezoning proposal, all possible impacts including environmental, social, economic and public reactions, etc. should be taken into consideration. Should there be any adverse impact, the

proposal should be subject to further study; and

- (d) noting that more industries and employment opportunities were required in Hong Kong, WCFE should not be cleared.

R366 & R475 – Ho Yuk Ping

R406 – 潘炳揚

R408 – 何玉蓮

R598 – Ho Chun Hung

R610 – Ho Kwan Lam

R611 – Wong Kit Yu

44. Ms Ho Yuk Ping made the following main points:

- (a) she also spoke on behalf of five other tenants of WCFE who were unable to attend the meeting;
- (b) one of the tenants was a contractor of government's maintenance projects. He moved to WCFE in 1993 and was now old. He could not afford the high rent in other premises. If WCFE had to be cleared, he would be forced to close down his business;
- (c) a decoration worker specialising in posting outdoor advertisements moved into WCFE in 2000. As the work processes would generate noise, his workshop was not suitable to be accommodated in conventional industrial buildings;
- (d) another tenant was a printer who set up his own business in WCFE in 2002. He had stayed in WCFE for so many years because of the advantages of agglomeration. There were also many other industries in WCFE such as metal workshops, bio-chemical factories and construction-related workshops. He requested that WCFE should be retained. Otherwise, he would lose his business;

- (e) a tenant was a new comer to WCFE who just signed a 3-year tenancy agreement without the knowledge that the building would be demolished. He considered that the rent of WCFE was stable and the location was convenient. He spent around HK\$50,000 to HK\$60,000 on renovating the unit. If WCFE had to be demolished, he would suffer from a great loss and could not afford a higher rent required by other industrial premises;
- (f) another tenant, who operated a metal ware factory, moved into WCFE before 1997. His clients were mainly from the European countries. Although he was very busy, he came back to Hong Kong for signing an authorisation letter for her to attend this meeting;
- (g) she then expressed her own comments/views. She worked in the garment industry and had moved into WCFE for about 10 years. While it was difficult to maintain the business, she insisted on using her own skills to earn a living;
- (h) WCFE was welcomed by SMEs mainly because it offered a convenient location for both operators and clients while the rent was reasonable and below market rate. In particular, WCFE was located near to the sources of raw materials and the supporting services; and
- (i) the Hing Wah Street site was rezoned to “R(A)” in 1998 in order to increase housing supply. With the changed circumstances, it was considered appropriate to revert the site to “I” due to the increasing demand for industrial floor space by SMEs.

R375 – 羅穎瑜

45. Mr Ng Yin Lung made the following main points:

- (a) WCFE should not be rezoned to “O” as there was an existing industrial

building at the site. Those vacant sites were the better alternatives for open space development. There was no urgency to identify a replacement site for the loss in open space provision; and

- (b) the high occupancy rate of WCFE was due to the clearance of other factory estates. Small businesses had also made their contribution to the society and should be allowed to continue their operations. It was not justifiable to demolish an almost fully occupied industrial building for an open space development.

R419 – Jacky Yuen

46. Mr Jacky Yuen made the following main points:

- (a) he moved into WCFE in 2002. There were many different types of industries in WCFE such as electronics, printing, wood works, dentures, water and electrical woks, bamboo steamers, floral, advertising, machinery repairing and paper products etc.;
- (b) if WCFE had to be demolished, he could not afford to relocate elsewhere as both the rent and relocation cost were too high for him. When he lost his business, he would not be able to support his family;
- (c) a more diversified economy should be developed. The competitiveness of Hong Kong would be lost if it relied too heavily on the financial and property markets only;
- (d) although his business was small, he had employed three graduates from the Vocational Training Council;
- (e) there were already a number of parks in Sham Shui Po. Even if the site swap arrangement was required, there were alternative sites, e.g. CSWWVM and the ex-CSW Abattoir, which were vacant and could be used for open space development. Besides, other industrial buildings

located to the south of WCFE such as Yuen Fat Wharf and Godown and Kerry Hungaki Godown could also be demolished and changed into open space use, if required;

- (f) smaller PRH units should be provided within the Tonkin Street site as it was located in the urban area. Larger PRH units could be provided in the New Territories, e.g. Sai Kung and the North District; and
- (g) demolition of WCFE would create more construction waste, which was environmentally unfriendly.

R487 – Lam Tung Ki

47. Mr Lam Tung Ki made the following main points:

- (a) he moved into WCFE in October 2012. The site was subsequently rezoned to “O”;
- (b) in 1954, the resettlement office was set up by the Government to provide resettlement housing for the victims affected by the Shek Kip Mei Fire;
- (c) in the 1950s and 1960s, many people were living in squatters in Hong Kong. Small scale family-type workshops gradually emerged;
- (d) subsequently, those small scale workshops in the squatter areas were cleared by the Government and resettled in government flatted factories; and
- (e) between 1957 and 1973, eight government factory estates were built, with Cheung Sha Wan Factory Estate, which was originally named Cheung Sha Wan Resettlement Flatted Factory, completed first.

48. The Chairman requested Mr Lam Tung Ki to focus his presentation on the OZP amendments as the history of government flatted factories was not related to the

amendment items. Mr Lam said that the background information could help explain why WCFE should be retained.

49. Mr Lam Tung Ki continued and made the following main points:

- (a) on 1.4.1973, HKHA took up the management of the government flatted factories. From 1973 to 1994, HKHA further developed nine government factory estates and some of them were built up to 26 storeys;
- (b) due to the industry downturn in Hong Kong from 1990s onwards, more and more government factory estates were pulled down and those sites were used for other purposes; and
- (c) for Cheung Sha Wan Factory Estate, there were totally five blocks. The first block was built in 1957, with the last one completed in 1967. All the blocks were in an “I” shape with similar design and the units were rented out without any decoration or partitions.

50. The Chairman reminded Mr Lam Tung Ki again to focus his presentation on matters related to the amendment items as the other government factory estates were not relevant to the amendments to the OZP under consideration. Mr Lam said that he would focus on the development of WCFE.

51. Mr Lam Tung Ki continued and made the following main points:

- (a) with the demolition of a number of government factory estates, some of the affected tenants were moved into WCFE;
- (b) in the past, manufacturing industry was one of the most important sectors in Hong Kong. The factory operators had made their contribution to the economic development of Hong Kong. At present, there were only six government factory estates left. The Government should be more proactive in supporting local industries;

- (c) the subject rezoning had affected the livelihood of 500 establishments and over 1,000 workers. There was a lack of local consultation. The site was rezoned to “R(A)” in 1998 and further rezoned to “O” recently. There was no clear timetable when LCSD would take back the site for open space development;
- (d) there were other alternative sites for the site swap arrangement, e.g. the ex-CSW Abattoir and CSWWVM;
- (e) in 1957, HKHA was responsible for providing industrial premises to facilitate the development of manufacturing industries in Hong Kong; and
- (f) from 1990s onwards, some government factory estates were pulled down and those sites were used for other purposes.

52. Noting that Mr Lam Tung Ki again diverted his presentation to the history of government factory estates which was not relevant to the consideration of the amendments to the OZP, the Chairman reminded Mr Lam again to focus his presentation on the issues related to the amendment items. Mr Lam said that he noted the Chairman’s advice.

53. Mr Lam Tung Ki continued and made the following main points:

- (a) as WCFE had a very high occupancy rate and provided a certain amount of employment opportunities for the local people, it should be retained; and
- (b) most of the operators/workers were of low education level, they needed a job rather than compensation. The youngsters should be given a chance to set up their own businesses and the grassroots should be provided with more employment opportunities so that they could earn their own living.

[The meeting adjourned for lunch break at 1:10 p.m.]

54. The meeting was resumed at 2:00 p.m.

55. The following Members and the Secretary were present in the afternoon session:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Professor Edwin H.W. Chan

Mr Maurice W.M. Lee

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Roger K.H. Luk

Dr W.K. Yau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr C.W. Tse

Mr Jeff Y.T. Lam

Mr K.K. Ling

56. The Chairman reminded the attendees to keep the presentation precise and concise. Those points presented by others should not be repeated. As another agenda item had been scheduled for 3 p.m., he hoped that the representation hearing including the questions and answers session and deliberation could be finished timely.

R360 – 黃育祥

R541 – Tong Chak Man

R602 – Leung Mee Chun

57. Mr Tong Chak Man made the following main points:

- (a) he had stayed in WCFE for more than 10 years. It would be difficult for him to find a new job at his age;
- (b) there were many open spaces in the vicinity including Sham Shui Po Sports Ground and Shum Shui Po Park. There was no need for an additional open space at the subject site as revealed in the relatively low utilisation rate of the open spaces in the area. Moreover, there were mainly schools and private residential developments in the vicinity. The private residential developments were already provided with recreational facilities such as club house and swimming pool;
- (c) the temporary golf driving range located at the Hing Wah Street site was a private club facility. Although the site was rezoned from “O” to “R(A)”, a replacement site to compensate for the loss in open space provision was considered not necessary;
- (d) clearance of WCFE would lead to a loss of 500 businesses and thousands of employment. The operators would also need to give severance pay to the workers when the workshops were closed down;
- (e) while the Government was committed to providing a good business environment for SMEs, the rezoning was not in line with such a government policy;

- (f) open spaces could be provided in various forms. A jogging trail provided within a PRH development could also be regarded as an open space facility. As such, HD could consider providing more jogging trails at the ground level of the residential towers in order to increase the open space provision if required; and
- (g) there were other alternative sites for open space developments, e.g. the ex-CDW Abattoir and CSWWVM, which had been left vacant for some years.

R546 – Chow Chung Shing

58. Mr Chow Chung Shing made the following main points:

- (a) residential use was not the only type of land use that was required in Hong Kong. From the planning point of view, a balance between different land uses should be maintained. In Cheung Sha Wan, there were already many public housing developments, including Fu Cheung Tsuen, Fortune Estate, Lai Kok Estate, Un Chau Estate and Cheung Sha Wan Estate. Consideration should be given to the provision of other community facilities such as police stations, fire stations and hospitals, instead of merely focusing on open space provision. In addition, air ventilation was also a problem in this area. Taking the Cheung Sha Wan Playground as an example, it was surrounded by Fortune Estate, Cheung Sha Wan Estate and Un Chau Estate which were all high-rise developments. The air ventilation in this playground would be very poor;
- (b) there were already a lot of open spaces in Sham Shui Po, providing different types of recreational facilities for the local people. For swimming pools, there were Lei Cheng Uk Swimming Pool and Sham Shui Po Swimming Pool. For playground, there was Cheung Sha Wan Playground. For indoor sports centres, there were Po On Road Sports

Centre and Cheung Sha Wan Sports Centre. For football pitches, there were Cheung Sha Wan Playground, Sham Shui Po Sports Ground, Hing Wah Street Playground, Po On Road Playground and Lei Cheng Uk Playground. For parks, there were Sham Shui Po Park and Tung Chau Street Park. The utilisation rate of these recreational facilities was relatively low;

- (c) the golf driving range at Hing Wah Street was not serving the local residents as most of them belonged to the low income group. In the long run, using the site for the golf driving range might not be appropriate. However, rezoning that site from “O” to “R(A)” did not require a replacement site as the existing golf driving range was not enjoyed by the local residents;
- (d) the site swap arrangement was not necessary as the Hing Wah Street site was government land. Rezoning of the Hing Wah Street site from “O” to “R(A)” only involved a land transaction between LCSD and HD. Even if a site swap arrangement was required, there were other alternatives sites, e.g. the ex-CSW Abattoir and CSWWVM as these two sites had already been vacated. Although these sites were zoned “R(A)”, it was doubtful whether there was a need for so many public housing developments in Cheung Sha Wan;
- (e) increasing housing supply was supported. However, simply rezoning the land to residential use was inadequate. Just like in 1998, WCFE was already rezoned to “R(A)” but the housing development had not been implemented for 15 years. It was hoped that the same situation would not happen in the Tonkin Street site;

[Ms Janice W.M. Lai arrived to join the meeting but she left temporarily for this item as she had declared interest in this item.]

- (f) HD was responsible for providing the public housing for Hong Kong people especially the low income group as they could not afford private

housing. Given that WCFE was almost fully occupied and the rent was reasonable to those small businesses, there was no justification for changing it to another use;

- (g) there were a lot of public housing developments as well as a large population in Sham Shui Po. It was not sure if there would be sufficient employment opportunities to be provided within the same district. Besides, provision of sufficient community facilities such as police station and fire station was also required;

[Mr C.W. Tse returned to join the meeting at this point.]

- (h) the high occupancy rate in WCFE implied that there was a demand for industrial premises. In the 1990s, the majority of Hong Kong's manufacturing industries were moved to the Mainland. However, due to the changed policy in the Mainland, some industries had returned to Hong Kong recently. Therefore, there would be an increasing demand for industrial premises in Hong Kong;
- (i) the Government intended to provide assistance to the young people for setting up their own business. As such, the government factory estates like WCFE were most suitable for small businesses. Once they could find a job, their living standards could be improved, thus reducing their reliance on social assistance, including public housing; and

[Mr Dominic K.K. Lam arrived to join the meeting but he left temporarily for this item as he had declared interest in this item.]

- (j) the proposal of rezoning WCFE to "O" should be re-considered. For long term planning, a good mix of land uses should be provided within a neighbourhood such that the quality of life could be improved.

R547 – Chow Hoi King

59. Mr Leung Lai made the following main points:

- (a) given that the life cycle of a building was about 80 to 100 years, WCFE could still be used for a long period of time. If the Government really had no plan to demolish the building, a written confirmation should be provided;
- (b) the rezoning of the Tonkin Street site from “O” to “R(A)” did not require a site swap arrangement. Even if a replacement site was required, there were other alternative sites, e.g. the ex-CSW Abattoir and CSWWVM which could be rezoned from “R(A)” to “O”. As these two sites were subject to the traffic noise impact from the West Kowloon Corridor, they were considered not suitable for residential development. Besides, the relocation of CSWWVM had been discussed for many years and no conclusion had been made yet. If rezoned, the sites could be comprehensively planned with the adjoining Sham Shui Po Park and Sham Shui Po Swimming Pool;
- (c) clearance of WCFE would lead to loss of jobs and businesses, leading to increased demand for CSSA. On the contrary, retaining WCFE would provide more jobs for the low income group and help address the poverty problem;
- (d) the demand for public housing would also depend on the economic development of Hong Kong. As such, the supply of housing land should be closely monitored; and
- (e) the rezoning of WCFE from “R(A)” to “O” was not justified and WCFE should be retained.

60. The Chairman reminded the attendees not to repeat the points already presented by others such that the time could be used more efficiently and effectively.

R548 – Leung Sau Ching

R605 – 何玉琼

R606 – 孫綽琦

R607 – 孫石寶

61. Ms Leung Sau Ching made the following main points:

- (a) she worked in a metal steamer company in WCFE;
- (b) when the site was rezoned to “R(A)” in 1998, the tenants of WCFE were not consulted;
- (c) given its high occupancy rate, WCFE should not be demolished. Otherwise, the businesses there would need to be closed down and the machinery would be put into no use. This would directly affect the livelihood of the operators and workers; and
- (d) it was proposed that WCFE should be retained and the site should be rezoned to “I”. If more open space was required, other alternative sites should be considered. Retaining WCFE was an effective way to support the SMEs and address the poverty problem, and hence social harmony could be further enhanced.

R550 – Wong Kam Leung

62. Mr Wong Kam Leung made the following main points:

- (a) while more land could be rezoned for residential use to increase housing supply, a proper balance should be struck taking into account the requirements of other land uses;
- (b) small businesses had also made their contribution to the economic

development of Hong Kong. For instance, they had created employment opportunities and provided emergency repairing services for the community. The economic system should be more diversified rather than just relying on the growth of the financial and tourism sectors;

- (c) in the past, due to insufficient government assistance to the manufacturing industry, many of the factories had been moved to the Mainland. Recently, there was a trend of some industrial activities returning to Hong Kong. The Government should take this opportunity to strength the industrial bases of Hong Kong by providing more suitable premises for industrial development; and
- (d) WCFE should be retained;

R551 – Wong Man Ho

R609 – Lau Yin Mui

63. Mr Wong Man Ho said that the rezoning would push away small business operations. This would lead to closing down of hundreds of factory establishments, reinforcing tenants' worries and making thousands of families suffering from unemployment. WCFE should not be demolished or relocated.

R576 – Siu Kai Shing (汎美牙科配制公司)

R599 – Wong Hon Hei

R647 – 李日明

64. Mr Siu Kai Shing made the following main points:

- (a) he operated a denture workshop in WCFE for about 10 years;
- (b) most of the dental laboratories had already been moved to the Mainland, except with a few small ones remaining in Hong Kong to provide

emergency repairing services;

- (c) this kind of small workshops could only survive in factories where the rent was not very high. They could not afford the removal cost. If the businesses had to be closed down, many operators and workers would be unable to support their families;
- (d) if the building was required to be demolished, then HD should not sign the new contracts with the tenants; and
- (e) as there was no need for additional open space, WC should be retained.

R655 – Chan Suk Fai

65. Ms Chan Suk Fai said that before moving into WCFE, their workshop was located at the Kowloon Walled City where the environment was very poor. Her family worked together in their workshop in WCFE. While they had gone through the difficult period during SARS, they were not certain whether their business could be continued if WCFE was cleared.

[Dr C.P. Lau arrived to join the meeting at this point.]

R369 – Ho Yuk Wah

R371 – Lau Chun Hang

R378 – 古兆强

R379 – 陳惠蓮

R439 – Yiu Mei Fung

R637 – 陸連福

R686 – Ng Chiu Hung

C138 – Or Siu Fai

66. Mr Ng Chiu Hung made the following main points:

- (a) he set up a dental laboratory with his partner in 1989 and moved into WCFE in 1996. At that time, WCFE was zoned “I”;
- (b) he was not aware that WCFE had been rezoned to “R(A)” in 1998 as the tenants of WCFE were not consulted on the rezoning;
- (c) since the promulgation of the policy on revitalisation of industrial buildings, the rent of industrial buildings had been increasing rapidly. Being an operator of a small business, he could not afford the high rent in other industrial buildings;
- (d) WCFE, with a building age of 29 years, was almost fully occupied. The supply of government flatted factories did not meet the demand as demonstrated by the large number of participants in the closed bid for WCFE with resulting bid often far above the offer price;
- (e) the high occupancy rate reflected that there was a demand for government flatted factories especially for setting up businesses by the young people;
- (f) while some government flatted factories in other areas, e.g. Chai Wan and Shek Kip Mei, had been changed to other uses. It was disappointing that those converted buildings had not been used efficiently after the change;
- (g) WCFE was a good place for starting a business. It was most welcomed by the grassroots who wished to make use of some specialised skills that they acquired to set up their own businesses;
- (h) the government flatted factories were intended to provide employment opportunities for the nearby residents in order to save their time and cost in transportation. Therefore, the government flatted factories were commonly found in various districts in the past;

- (i) suitable assistance should be provided to SMEs and micro enterprises. Besides, creating more employment opportunities was one of the efficient ways to address the poverty problem; and
- (j) in view of the above, WCFE should not be cleared.

[Professor Edwin H.W. Chan arrived to join the meeting but he left temporarily for this item as he had declared interest in this item.]

R695 – Lee Chiu Lai

67. Mr Lee Chiu Lai made the following main points:

- (a) there were some vacant sites in the vicinity, e.g. the ex-CSW Abattoir and CSWTWPM, which could be used for open space development;
- (b) the working places should be located near to the residential developments. Tuen Mun was one of the examples that employment opportunities were inadequate and many people had to travel to the urban area to work;
- (c) there were so many open spaces in the Sham Shui Po District where the utilisation rate was low;
- (d) as the Government was receiving rental income from WCFE, clearance of WCFE could not be a right decision; and
- (e) WCFE provided a good place for those who wished to set up their businesses, especially for the new joiners. The manufacturing industry should be promoted for a sustainable development of Hong Kong.

R694 – Kwong Lan Heung

68. Ms Kwong Lan Heung made the following main points:

- (a) her husband was a tenant of WCFE;
- (b) WCFE was well equipped, managed and maintained by HD and thus should not be demolished;
- (c) the main purpose for the tenants to attend the meeting was to express their view that WCFE should be retained. They needed the government flatted factories for the SMEs and micro enterprises to survive and to support their families; and
- (d) retaining WCFE would help reduce the conflicts between the Government and the public, in particular the tenants of WCFE.

R696 – Pak Shun Lin

69. Ms Pak Shun Lin said that according to the current trend, some industries were returning to Hong Kong. However, there might not be sufficient industrial buildings in Hong Kong to meet the increasing demand. Under such circumstances, she requested that WCFE and the ex-Shek Kip Mei Factory Estate should be reverted to “T”.

C1 – Li Pik Yu

70. Ms Li Pik Yu made the following main points:

- (a) she was a retired teacher. Her husband (R193) was a publisher in WCFE. Although he was already 78 years old, he went to work every day. She was afraid that his well-being would be greatly affected by the clearance of WCFE;
- (b) according to her research, WCFE was built in 1984. At that time, the Government considered that the industrial sector was important to the Hong Kong economy. In 1998, WCFE was rezoned to “R(A)” in order to increase the housing supply. While the rezoning was accepted by the

Sham Shui Po Provisional District Council, the tenants of WCFE were not consulted on this matter. The Government was currently even more aggressive in identifying additional land for housing development. As such, under a site swap arrangement, the Tonkin Street site was rezoned from “O” to “R(A)” while the Hing Wah Street site was rezoned from “R(A)” to “O”;

- (c) clearance of WCFE would affect more than 500 establishments and also the livelihood of their workers;
- (d) at the early stage, WCFE was planned for providing employment for the nearby residents so that the people could work within the same district;
- (e) being a retired teacher, she was well aware that many of her students were residing and their parents were working within the same district. Spending more time with the children could help reduce family problems; and
- (f) as the planned open space provision in the Sham Shui Po District would have a surplus of 22.8ha, there was no need to rezone WCFE to “O”.

C158 – Kwok Wai Shun

71. Mr Kwok Wai Shun made the following main points:

- (a) he was doing repairing works for some factories, e.g. laundry and plastic cup factory;
- (b) there should be sufficient reasons if a site was proposed to be rezoned. WCFE was first built to provide some factory units for the market. As WCFE was still almost fully occupied at the present time, rezoning the site to “O” was not justified;
- (c) based on his experience, the machine repairing works were required to

be undertaken by local people, especially for some emergency cases and those works involving large equipment/tools;

- (d) in view of the high occupancy rate of CWFE, it should not be rezoned to “O” and the micro enterprises should be supported by the Government; and
- (e) once the site was rezoned, the tenants would be under a threat that CWFE would be demolished. In this regard, the site should be reverted to “I” to reflect the existing use of the site.

72. As the presentation from PlanD’s representative, representers, commenters and their representatives had been completed, the Chairman invited questions from Members.

#### *Operation of WCFE*

73. In response to the Chairman’s question on whether there was a timetable to demolish WCFE, Mrs Connie Lai, CPO/1, HD said that there was currently no plan to demolish WCFE. In view of the popular demand for government flatted factories, HKHA would, as of now, continue to operate and maintain the remaining six flatted estates in Hong Kong including the almost fully occupied WCFE.

74. In response to a Member’s question about the tenancy agreement of WCFE, Mrs Connie Lai said that factory units were let on a three-year fixed tenancy term and renewal of tenancy could be arranged based on the prevailing terms and conditions. Another Member further asked whether there would be any impact on the tenancy and daily operation of WCFE once the concerned site was rezoned from “R(A)” to “O”. Mrs Lai said that since HKHA had no plan to demolish WCFE at this stage and would continue to operate WCFE, the rezoning would have no impact on its tenancy and daily operation.

#### *Provision of Open Space*

75. In response to the Chairman’s question, Mr Wilson Chan, DPO/TWK, by making reference to paragraph 4.2.1 of the Paper, said that according to the Hong Kong

Planning Standards and Guidelines (HKPSG), the provision standards of open space were 1m<sup>2</sup> district open space (DO) and 1m<sup>2</sup> local open space (LO) per person. Taking into account the existing open space provision and population in the area and the provision standards in HKPSG, there was an existing surplus of 1.2 ha of LO but a shortfall of 10.17 ha of DO within Cheung Sha Wan. Based on the planned population and the existing and planned open space provision in the area, there would be shortfalls of 3.73 ha of LO and 12.59 ha of DO. For the open space provision in the Sham Shui Po District (covering Cheung Sha Wan, Lai Chi Kok, Shek Kip Mei and the northern portion of South West Kowloon) as a whole, there would be a surplus of 22.48 ha (11.2 ha of LO and 11.28 ha of DO).

76. A Member enquired about the provision of open space if the Hing Wah Street site was not rezoned to "O". Mr Wilson Chan said that the said rezoning was related to the site swap arrangement with which the area of the "O" zone in the OZP would remain unchanged. If the Hing Wah Street was not rezoned to "O", it would result in a loss of 2.3 ha DO within Cheung Sha Wan and the Sham Shui Po District. For Cheung Sha Wan, the shortfall in the provision of planned DO would increase from 12.59 ha to 14.89 ha. For the Sham Shui Po District as a whole, the surplus in the provision of planned DO would decrease from 11.28 ha to 8.98 ha. The Member further enquired if such a similar shortfall in the provision of planned open space could be found in any other areas of Hong Kong. Mr Chan said that except in new town developments, such a shortfall was not uncommon in the urban areas, e.g. Yau Tsim Mong District. From the planning point of view, it would be more desirable if each district could be self-contained in terms of community facilities provision including open space. It should also be noted that HKSPG only set out the minimum provision standards of open space and a provision of above the minimum would meet the aspiration of the community for a better quality of life.

77. In response to the Chairman's question regarding the alternative sites for open space development suggested by some representers, Mr Wilson Chan said that the area covering the ex-CSW Abattoir and CSWWVM was zoned "R(A)" and under planning by HD for public housing development. SSPDC had been consulted on the public housing development in the concerned "R(A)" site. The western portion of CSWTWPM was already zoned "O" for open space development. A review on the wholesale markets in Hong Kong was being undertaken by the Food and Health Bureau and Agriculture,

Fisheries and Conservation Department. Therefore, the future development of the western portion of CSWTWPM, including the relocation arrangement of CSWTWPM and implementation of the open space, would be subject to the results of the review.

78. In response to the Chairman's question on the provision and utilisation of open space in Cheung Sha Wan, Mr Chum Tak Shing (R233) said that the utilisation rate of open space would depend on a number of factors including the types of facilities provided therein. The provision of open space at a suitable location would serve as a city lung. As such, it should be located at a suitable location. It was proposed that the ex-CSW Abattoir and CSWWVM sites should be used for open space development rather than the Hing Wah Street site. If implemented, it could be linked up with the existing Sham Shui Po Park to create a city lung in the area.

#### *Rezoning of the Hing Wah Street Site*

79. In response to a Member's question, Mr Wilson Chan said that if the zoning of the Hing Wah Street site was retained as "R(A)", no planning permission would be required for public housing development on the site. In response to the same Member's question on the implementation programme of the planned open space on the Hing Wah Street site which was rezoned to "O", Ms Rosa Au, SEO(Planning), LCSD said that since there was no shortfall in the overall open space provision in the Sham Shui Po District, LCSD had no intention to use the Hing Wah Street site for open space development for the time being. As for the future open space development at the site, LCSD would consider relevant factors, including increase in population in Sham Shui Po District and thus a demand of open space, site availability and outcome of consultation with SSPDC, before taking the relevant project forward. As the concerned site was occupied by various uses including CSWTWPM, WCB and WCFE, LCSD would liaise with relevant government departments for a practicable development programme when there was an intention to develop open space at the site.

80. In response to a Member's question concerning the justifications for rezoning the Hing Wah Street site to "O", Mr Wilson Chan said that the subject rezoning formed part of the site swap arrangement which was intended to ensure no adverse impact on the planned open space provision in the Cheung Sha Wan area in the long run, taking into

account that there was already a shortfall of DO in Cheung Sha Wan. After considering various alternatives for the site swap arrangement, the subject proposal was considered most appropriate.

81. The Chairman said that the presentation made by the attendees on elaboration of the written submissions would be duly considered by the Board. However, new information submitted/presented at the meeting would not be taken into consideration by the Board. The Chairman also said that in order to ensure a smooth and efficient conduct of the meeting, the time management of the meeting should be observed and thus he had to remind individual attendees to focus on the relevant matters under consideration.

82. As Members had no further question to raise, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in the absence of the representers, commenters and their representatives. The representers and commenters would be informed of the Board's decision in due course. The Chairman thanked the representers, commenters, their representatives and the government representatives for attending the hearing. They all left the meeting at this point.

[The meeting adjourned for a short break of 5 minutes.]

#### Deliberation Session

83. The Chairman invited Members to consider the representations taking into consideration all the written submissions and the oral representations and materials presented at the meeting.

#### *New Information Presented at the Meeting*

84. The Chairman said that in the written submission, R197 (submitted by Green Sense) supported Amendment Item A but objected to Amendment Item B. However, at the meeting, its representative also raised objection to Amendment Items F and G. The presentation made by its representative involved new information which had not been published for public comments. According to the practice of the Board, the new

information received should not be taken into consideration by the Board. Members agreed. As such, consideration of the representations should focus on Amendment Items A and B.

*The Site Swap Arrangement*

85. The Chairman said that the main consideration should be given to whether the two concerned sites were suitable for the proposed uses under the OZP. There was currently no plan to demolish WCFE as stated in the Paper and explained by HD's representative at the meeting. Besides, noting that the occupancy rate of WCFE was about 98.2%, the issues related to the relocation arrangement should be resolved first prior to implementation of the "O" zone which would be in the long term. While the Hing Wah Street site had previously been rezoned to "R(A)", the existing developments on the site would not be affected. Within a "R(A)" zone, no planning permission for a proposed public housing development would be required while a public open space development under the "O" zoning would require funding approval from the Legislative Council.

86. A Member considered that no amendment to the OZP should be proposed. The Member suggested that in order to address the concerns of the tenants in WCFE, a proper arrangement to address the needs of the tenants of WCFE could be made when the "O" zone had to be implemented in future.

[Mr Stephen H.B. Yau left the meeting at this point.]

*Zoning of the Hing Wah Street Site*

87. A Member said that in view of the changing circumstances, the Cheung Sha Wan OZP had been reviewed and amendments to the OZP were therefore made. As far as the planning intention of the "O" zone for WCFE was concerned, it was not uncommon that the existing use of a site might not conform to the planning intention of the designated zoning under the OZP. Noting that the tenancy agreements were signed on a three-year basis, there should be sufficient time for HD to inform the concerned tenants about the relocation arrangements if required. In this regard, this Member considered that the rezoning of the Hing Wah Street site to "O" could be supported.

88. Noting that there was a shortfall in the provision of open space in Cheung Sha Wan, a Member said that there was a need to increase the provision of open space in this area. In terms of planning, the rezoning of the Hing Wah Street site was to reflect the long-term planning intention of the site. This would not affect the existing developments on the site. Even if the subject site was retained as “R(A)”, it would not be able to meet the request of the representers for rezoning the site to “T”. After balancing the relevant factors, this Member considered that the “O” zoning of the Hing Wah Street site was appropriate.

89. Members noted that the Hing Wah Street site was surrounded mainly by residential developments, GIC uses and planned “O” sites. Members agreed that the site was not suitable to be rezoned to “T”.

90. With respect to the concern on whether the rezoning of the Hing Wah Street to “O” would render WCFE an unauthorised development, the Secretary said that according to the covering Notes of the OZP, no action was required to make the existing use of any land or building conform to the Plan until there was a material change of use or the building was redeveloped. In this regard, the rezoning of the site to “O” would not render WCFE an unauthorised development.

### *Conclusion*

91. The Chairman summarised Members’ views that the rezoning of the Tonkin Street site and the Hing Wah Street site was appropriate. As regards the concerns on the provision of transportation and fire service facilities in the area, relevant government departments would be consulted during the detailed design and implementation stage. In order to address the concerns of the tenants of WCFE, HD and LCSD should be advised that when the open space at the Hing Wah Street site had to be implemented in future, appropriate relocation arrangements should be made for the affected tenants of WCFE.

92. After deliberation, Members noted the support of R233(part) relating to Amendment Item A. Members noted the view of R698 and that the view of R698 had been referred to the Housing Department for consideration and follow-up as appropriate.

Members agreed not to uphold R1 to R697 (including R233(part)) and considered that the OZP should not be amended to meet the representations. Members then went through the reasons for not upholding the representations as stated in paragraph 6.3 of the Paper and considered that they were appropriate.

Representation No. R233

93. After further deliberation, the Board noted that the support of R233 relating to Amendment Item A and decided not to uphold the remaining part of R233 for the following reasons:

- “(a) given the pressing need for increasing housing supply and that there is no implementation programme for open space development at the Tonkin Street site, it is considered appropriate to rezone the site to “Residential (Group A)” to facilitate public housing development;
- (b) as the amendments to the Outline Zoning Plan (OZP) involve a direct swap of the planned land uses of the Tonkin Street site and the Hing Wah Street site which are of similar size, the rezoning will not result in any loss in planned open space and would unlikely generate additional pressure for government, institutional and community facilities and infrastructure provision;
- (c) the future public housing development at the Tonkin Street site will be guided by a planning brief and the Housing Department would be required to undertake relevant assessments to demonstrate that the proposed housing development would not bring about adverse environmental, visual and air ventilation impacts;
- (d) the rezoning of the Wang Cheong Factory Estate (WCFE) site or the Hing Wah Street site to “Industrial” is not in line with the planning intention to phase out industrial use in the area, and the retention of industrial use at the site is considered not desirable from land use planning and environmental viewpoints;

- (e) the implementation of the planned open space at the Hing Wah Street site (including WCFE) is contingent upon clearance or relocation of existing uses and/or facilities on site. The clearance of WCFE and any related arrangements would be dealt with by the Housing Authority and Housing Department; and
- (f) the Hing Wah Street site is considered as a suitable replacement site for the planned open space. The Cheung Sha Wan Wholesale Vegetable Market and the ex-Cheung Sha Wan Abattoir sites are reserved for public housing development, while the western part of Cheung Sha Wan Temporary Wholesale Poultry Market is already zoned “Open Space” on the OZP.”

Representation No. R698

94. After further deliberation, the Board noted the view of R698 and that the view of R698 had been referred to Housing Department for consideration and follow-up as appropriate.

Representations No. R1 to R232 and R234 to R697

95. After further deliberation, the Board decided not to uphold R1 to R232 and R234 to R697 for the following reasons:

- “(a) given the pressing need for increasing housing supply and that there is no implementation programme for open space development at the Tonkin Street site, it is considered appropriate to rezone the site to “Residential (Group A)” to facilitate public housing development;
- (b) as the amendments to the Outline Zoning Plan (OZP) involve a direct swap of the planned land uses of the Tonkin Street site and the Hing Wah Street site which are of similar size, the rezoning will not result in any loss in planned open space and would unlikely generate additional

pressure for government, institutional and community facilities and infrastructure provision;

- (c) the future public housing development at the Tonkin Street site will be guided by a planning brief and the Housing Department would be required to undertake relevant assessments to demonstrate that the proposed housing development would not bring about adverse environmental, visual and air ventilation impacts;
- (d) the rezoning of the Wang Cheong Factory Estate (WCFE) site or the Hing Wah Street site to “Industrial” is not in line with the planning intention to phase out industrial use in the area, and the retention of industrial use at the site is considered not desirable from land use planning and environmental viewpoints;
- (e) the implementation of the planned open space at the Hing Wah Street site (including WCFE) is contingent upon clearance or relocation of existing uses and/or facilities on site. The clearance of WCFE and any related arrangements would be dealt with by the Housing Authority and Housing Department; and
- (f) the Hing Wah Street site is considered as a suitable replacement site for the planned open space. The Cheung Sha Wan Wholesale Vegetable Market and the ex-Cheung Sha Wan Abattoir sites are reserved for public housing development, while the western part of Cheung Sha Wan Temporary Wholesale Poultry Market is already zoned “Open Space” on the OZP.”

96. The Board also agreed to advise the Housing Department and the Leisure and Cultural Services Department that when the open space at the Hing Wah Street had to be implemented in the future, appropriate relocation arrangements should be made for the affected tenants of WCFE.

**Agenda Item 4**

[Open Meeting]

Planning and Engineering Study on Development of Lok Ma Chau Loop

(TPB Paper No. 9427)

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[The meeting was conducted in Cantonese.]

97. As Agenda Item 3 was overrun for a long time, the Chairman suggested and Members agreed that the subject item should be re-scheduled to another meeting.

98. As attendees of agenda items 6 and 8 to 11 had arrived, Members agreed to proceed with these items first.

Sha Tin, Tai Po and North

**Agenda Item 6**

[Open Meeting (Presentation and Question Session only)]

Consideration of Further Representations to the Draft Pak Sha O Development Permission Area Plan No. DPA/NE-PSO/1 (TPB Paper No. 9439)

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[The meeting was conducted in Cantonese.]

99. As sufficient notice had been given to the further representers, representers and commenters to invite them to attend the meeting, Members agreed to proceed with the hearing of the further representations in the absence of the other further representers, representers and commenters who had indicated that they would not attend or had made no reply.

100. The following representatives from the Planning Department (PlanD), and the further representer, representers, commenter and their representatives were invited to the meeting at this point:

Mr C K Soh	-	District Planning Officer / Shatin, Tai Po and North (DPO/STN), PlanD
Mr David Ng	-	Senior Town Planner /New Plans, PlanD

F4 (Heung Yee Kuk New Territories)

Mr Ho Chi Chiu	]	Further representer's representative
Mr Li Yiu Ban	]	
Ms Chan Shui Man	]	

R1 (Ho Chi Chiu - Village Representative of Pak Sha O)

Mr Ho Chi Chiu - Representer

R2 (Sai Kung North Rural Committee)

Mr Li Yiu Ban - Representer's representative

R3 (Ho Kam Ling and Ho Wai Ming)

Mr P.K. Chung - Representer's representative

R4 (Yung Ah Ming)

Mr P.K. Chung - Representer's representative

R5 (Xinhua Bookstore Xiang Jiang Group Ltd.)

Mr P.K. Chung - Representer's representative

R8 (Christophe Barthelemy)

Mr Christophe Barthelemy - Representer

R9 (Tim Collard)

Mr Tim Collard - Representer

R10 (Ruy Barretto)

Mr Ruy Barretto - Representer

R15 (Designing Hong Kong Limited)

Mr Paul Zimmerman ] Representer's representative

Ms Debby Chan ]

R18 (Kadoorie Farm & Botanic Garden Corporation)

Mr Tony Nip ] Representer's representative

Ms Woo Ming Chuan ]

R21 (Green Power)

Mr Stanley Chan	]	Representer's representative
Mr Cheng Luk Ki	]	
Ms Michelle Cheung	]	

C17 (Gail Kay)

Mr Gail Kay - Commenter

101. The Chairman extended a welcome and explained the procedure of the hearing. He then invited the representatives of PlanD to brief Members on the further representations.

102. With the aid of a powerpoint presentation, Mr David Ng made the following main points as detailed in the paper:

- (a) on 7.12.2012, the draft Pak Sha O Development Permission Area Plan No. DPA/NE-PSO/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 41 representations were received and 20 comments were received after exhibition of the representations;
- (b) owing to the urgency to establish planning control under the DPA Plan, the Pak Sha O Area (the Area) (except the land within the "Village Type Development" ("V") zone) had been designated as "Unspecified Use" pending detailed analysis and studies to establish the appropriate land use zonings in the OZP preparation stage;
- (c) land zoned "V" was intended for development of Small Houses by indigenous villagers. The planning intention was to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services;
- (d) after consideration of the representations and comments on 26.7.2013, the Town Planning Board (the Board) decided to partially

uphold Representations No. R6 to R41 by amending:

- (i) paragraph 7 of the Covering Notes (relating to uses that were always permitted) by adding “or in the Remarks in the Notes of the zone”(Amendment item I(a));
  - (ii) Remarks of the Notes of the “V” zone stating that any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building required planning permission from the Board (*Amendment Item I(c)*); and
  - (iii) the Notes of the “V” zone to delete “House (New Territories Exempted House (NTEH) only)” in Column 1 and “House (not elsewhere specified)” in Column 2 and to add “House” in Column 2 so that house development including NTEH within the “V” zone would require planning permission from the Board (*Amendment Item I(b)*);
- (e) on 9.8.2013, the proposed amendments to partially uphold the representations were published under section 6(C)2 of the Ordinance. During the three-week exhibition period, 12 further representations (F1 to F12) were received. On 13.9.2013, the Board decided that F5 to F12 were invalid as they were submitted by the original representers and commenters, and F1 to F4 should be heard collectively in one group;

#### The Further Representations

- (f) F1 to F3 (submitted by individuals) supported all the proposed amendment items. F1 considered that Pak Sha O should be preserved for its historical and ecological values. F2 and F3 expressed the view that the amendments provided an important

degree of protection for the cultural heritage and ecological values of Pak Sha O and Pak Sha O Ha Heung;

- (g) F4 (submitted by Heung Yee Kuk New Territories) opposed Amendment Items 1(b) and 1(c). The main grounds of F4 as summarized in paragraph 2.3 of the Paper were that the Government should not just consider the concerns of environmental groups, but ignore the traditional development right of indigenous villagers. They indicated that there was a fair portion of Old Schedule Lots under the Block Lease in the area and the landowners had the right to develop Small House and redevelop existing buildings. The requirement for the indigenous villagers to apply for permission to build and redevelop village houses within “V” zone was not reasonable, as it was against the traditional rights of indigenous villagers and deprived their development rights;

#### Responses to Grounds of Further Representations

- (h) F1 to F3’s supporting views to all the proposed amendments were noted;
- (i) PlanD’s responses to the grounds of F4 were detailed in paragraph 3.8 of the Paper and summarized as follows:
- (i) when considering the representations and comments on the draft Pak Sha O DPA Plan No. DPA/NE-PSO/1 on 26.7.2013, the Board noted that Pak Sha O and Pak Sha O Ha Yeung were outstanding vernacular Hakka villages in the area and were well-preserved. Any change to the existing vernacular Hakka village setting which might result in possible adverse impact on the heritage value of the historic buildings should be avoided;
- (ii) while respecting the development rights of indigenous villagers to build NTEH in the “V” zone, the Board considered it prudent

to impose appropriate interim control to prevent any incompatible development on the existing village setting. Hence, any demolition of or any addition, alteration and/or modification to or replacement/redevelopment of an existing building or any new NTEH should require planning permission from the Board;

- (iii) the requirement for planning permission was to enable the Board to consider the potential impacts of individual NTEH development on the existing vernacular Hakka village setting. In considering the planning applications, the Board would take into account relevant factors including the views of the Antiquities and Monuments Office (AMO) and other relevant government departments as well as public comments, and to impose approval conditions, where appropriate. Each application would be considered on its individual merits; and
- (iv) the DPA Plan was an interim plan which provided stop-gap measures pending its replacement by an Outline Zoning Plan (OZP) within three years. Hence, the proposed amendments would act as an interim control to prevent any adverse impact on the existing village setting before further studies/assessments and consultation with relevant government departments on the cultural and historical significance of the area were carried out at the OZP preparation stage; and
- (j) PlanD's views – PlanD recommended that the Board should not to uphold F4 for reasons as detailed in paragraph 5.2 of the Paper and that the Covering Notes, Notes and Remarks of the “V” zone should be amended by the proposed amendments.

103. The Chairman then invited the further representer, representers, commenter and their representatives to elaborate on their representations. Members noted the speaking note tabled by Mr Ruy Barretto (R10) and a report tabled by the

Kadoorie Farm & Botanic Garden Corporation (KFBG) (R18).

F4 – Heung Yee Kuk New Territories

104. Mr Ho Chi Chiu made the following main points:
- (a) he was the village representative of Pak Sha O Village;
  - (b) at the representation hearing in July 2013, the villagers had already indicated their concerns that the DPA Plan would affect their development rights. The proposed amendments to the “V” zone were even more restrictive. Planning permission was now required for both development of new houses as well as rebuilding of old houses in the “V” zone;
  - (c) the requirement for planning permission for rebuilding of houses was not applicable to “V” zones on other statutory plans and there were uncertainties as to whether the Board would approve their rebuilding proposals in future; and
  - (d) the Board was requested not to adopt the proposed amendments.
105. Mr Li Yiu Ban made the following main points:
- (a) rebuilding of houses was permitted as of right under the original DPA Plan. However, the proposed amendments imposed new requirement for planning permission for rebuilding of houses. The proposed amendments would render the “V” zone to lose its function in reserving land for Small House developments. This new requirement was unnecessary as the development pressure in the village was not high. Such requirement was also not applicable to “V” zones on other statutory plans;
  - (b) environmental and conservation concerns should not override all

other concerns. If town planning was too skewed towards conservation, it would affect the future development of Hong Kong;

- (c) the new requirement for planning permission for rebuilding of houses was unnecessary and would increase the workload of the Board. In fact, development of NTEH/Small Houses had been effectively controlled through District Lands Office (DLO) and Buildings Department;
- (d) the criteria for assessment of planning applications for rebuilding of houses should be clarified; and
- (e) they opposed the proposed amendments and requested that the proposed amendments should not be adopted. The need for any new statutory requirements could be further assessed during the OZP preparation stage.

R3 - Ho Kam Ling and Ho Wai Ming

R4 - Yung Ah Ming

R5 - Xinhua Bookstore Xiang Jiang Group Ltd.

106. Mr P.K. Chung made the following main points:

*Proposed Amendment Item 1(b)*

- (a) the planning intention of “V” zone was to reflect recognised villages and right of indigenous villagers (like R3 and R4) to build Small Houses therein. As such, ‘Small House’ should be an always permitted use in Column 1 of the Notes. However, the proposed amendment item 1(b) imposed a new requirement for planning permission for development of Small Houses;
- (b) in areas designated as ‘Unspecified Use’ under the DPA Plan, development of Small House also required planning permission. It

would not be appropriate and contradictory to subject Small House development to the same restrictions under “V” zone and areas designated as ‘Unspecified Use’. It was also not in line with the planning intention of “V” zone;

- (c) it was indicated in the Paper that further studies/assessments and consultation with relevant government departments were required to ascertain the cultural and historic significance of the Area. The AMO had also indicated that Houses No. 4 and 5 in Pak Sha O Village were not graded buildings nor were they on the list of buildings proposed for grading. Hence, requiring planning permission for Small House developments was too restrictive;
- (d) Small House developments currently only required approval from DLO. The requirement for planning application for Small House development would pose a major burden on villagers in terms of resources and time. It was also not appropriate as the new requirement was not based on detailed study;

*Proposed Amendment Item 1(c)*

- (e) many of the private lots in the Area were Old Schedule House Lots and under the current practice, rebuilding of houses on those lots only required approval from DLO. Additional requirement for planning permission would seriously affect the villagers’ right for redevelopment;
- (f) within “V” zones, development of Old Schedule House lots should be permitted as of right and should not require planning permission. There was adequate control through the lease and building plan. Requirement for planning permission would also add cost and uncertainties to villagers; and
- (g) as indicated in the Paper, the District Officer (Tai Po) (DO(TP))

shared similar concerns of the villagers as mentioned above.

R8 – Mr Christophe Barthelemy

107. Mr Christophe Barthelemy made the following main points:

- (a) he indicated support for all the proposed amendments;
- (b) extensive farming was being undertaken in the Area. Runoff from the farms caused impacts on the ecologically important streams in the Area due to the extensive use of herbicides. The Board was urged to impose further control to avoid degradation;
- (c) plant nursery and amenity planting should be deleted from the list of uses always permitted as those uses would cause pollution due to the use of herbicides and pesticides; and
- (d) with the aid of a plan, he said that the village ‘environs’ (‘VE’) covered areas falling within the 30m-buffers from the ecologically important streams in the Area. The 30m-buffer was a requirement by the Environmental Protection Department (EPD). Area of the ‘VE’ should be reduced by excluding the land within the buffer zones from the streams.

108. At this point, the Chairman reminded Mr Barthelemy to focus his presentation on the proposed amendments to the DPA Plan that was being considered at the further representation hearing. Mr Christophe Barthelemy continued the presentation and made the following main points:

- (a) while he respected the rights of indigenous villagers to build NTEH, many of the applications for NTEH were submitted by developers and not indigenous villagers. There were nine possible NTEH applications in the Area that were submitted by the same developer, Xinhua Bookstore Xiang Jiang Group Ltd. Such developments

should be regulated by the Buildings Ordinance (Cap. 123) rather than the Buildings Ordinance (Application to the New Territories Ordinance) (Cap. 121);

- (b) he had grave concern on the comments of DLO/Tai Po (DLO/TP) that the proposed amendments would deprive the development rights of the applicants of some NTEH applications being processed by them. However, those NTEH applications were submitted by a developer but not indigenous villagers. Being a government department, DLO/TP should not have biased views by way of representing the views of the developer rather than views of the general public for preservation of the Area;
- (c) the representation made on behalf of R3 to R5 intended to downgrade the heritage value of the village. However, the heritage buildings in Pak Sha O as well as the surrounding context were of high historic value and should be preserved;
- (d) all NTEH applications should be made known to the public through posting of notices in the village and DLO offices. However, it was noted that only three of the applications were made known to the public while eight applications were not. He urged the Board to raise strong objection to the cumulative effect of these proposed NTEHs on the ecology and heritage of the Area. He also urged the Board to disregard the comments of DLO/TP; and
- (e) the proposed amendments provided the bare minimum controls, but they were insufficient to preserve the ecological, cultural and heritage value of the village. Stronger and better controls were needed and there should be a moratorium on development in the Area until the OZP was formulated.

R9 – Tim Collard

109. Mr Tim Collard made the following main points:
- (a) he had lived in Pak Sha O for many years. He concurred with the points made by Mr Christophe Barthelemy (R8) and the submissions to be made by Mr Ruy Barretto (R10);
  - (b) Pak Sha O and the other enclaves warranted special control to minimise negative impacts on the Country Parks. The Chief Executive had indicated in his election manifesto that our Country Parks and bodies of land and water with ecological values should be protected. The preparation of DPA Plan and OZP for the Area was the right approach to ensure a suitable and sustainable way to protect our Country Parks for the people of Hong Kong;
  - (c) as stated in Enclosure VI of the Paper, DLO/TP indicated that if planning permission was not granted for the NTEH applications being processed, it would deprive the developer of its development rights under lease. He did not agree with this comment as the right to develop within “V” zones was subject to approval of all relevant authorities. Hence, it was incorrect to perceive Small House to be permitted as of right in “V” zones. The Government should tighten control on Small House developments;
  - (d) the comments of the Tai Po District Office reflected that they were protecting the rights of the developers rather than the interests of the people of Hong Kong. Instead, as a government department, they should have balanced the legitimate aspirations of individuals and groups and the needs of the whole community;
  - (e) the developer active in the Area was not “playing by the rules”. He quoted from a newspaper article and indicated that the developer was

associated with some private columbarium developments on Lantau Island and Sha Tin;

- (f) a questionable farming experiment being undertaken in Pak Sha O had damaged and polluted the streams in the Area;
- (g) recently two notices of NTEH developments were posted in the village office, while some other notices were intentionally posted in inconspicuous places. According to DLO/TP's comments in Enclosure VI of the Paper, there were at least four to five more NTEH applications. However, notices of those applications could not be located. DLO/TP appeared to have been overly concerned about the right of the developer;
- (h) the burden of proof of development rights should be on the applicant and DLO/TP should not assume that the developer had inherent development rights. Quoting a High Court judge, he said that pure private "demand" was antithetical to public "need";
- (i) planning applications for Small Houses would be considered on individual merits of each case. However, it was more important for the Board to consider the cumulative impacts of the developments on the overall landscape of the village. A single inappropriately sited or designed building could have detrimental effects on the village; and
- (j) the Government should reject all development plans in Pak Sha O until a properly formulated OZP was gazetted, which would balance the aspirations of the public and legitimate rights of all interested parties, including the indigenous villagers.

R10 – Mr Ruy Barretto

110. Mr Ruy Barretto made the following main points as detailed in the

speaking notes he tabled at the meeting:

- (a) he concurred with the views of Mr Christophe Barthelemy (R8) and Mr Tim Collard (R9);
- (b) he supported all the proposed amendments and considered that there was urgent need for planning controls in the Area. The proposed amendments were considered a bare minimum required to protect Pak Sha O. The amendments to the Explanatory Statement (ES) and Notes that he tabled at the meeting held on 26.7.2013 were still valid and he requested the Board to re-consider them in future;
- (c) the land to be zoned “V” should only be based on the genuine needs of indigenous villagers, and not developers from outside. Indigenous inhabitants of Pak Sha O had moved out of the Area many years ago and there was now a vibrant local community residing in the Area;
- (d) the Board had a statutory duty to provide planning control to protect the heritage, landscape and ecology of the Area. The improved planning controls were to ensure compatible development and were not infringing on development rights. Planning controls under the town planning regime were more transparent than the land administration procedures currently administered by DLO;
- (e) the comments of the Tai Po District Office showed that they represented only the views of developers, rather than views of the wider public who welcomed the protection of the countryside and heritage of the village;
- (f) the comments of DLO/TP represented the views of the developers only. DLO/TP should have informed the Board that the right of landowners were subject to control of relevant laws in Hong Kong. Under the second covenant of the Block Leases, there were

conditions which required an applicant to seek approval for his plans. There was nothing in the said conditions that prevented such approvals to be granted through a statutory process by the Board in a transparent manner;

- (g) objectors to the proposed amendments only wanted to continue with the administrative approvals being currently granted by DLO, that in his opinion was a ‘non-transparent’/‘back door’ approach;
- (h) when the Board drew up “V” zones, it had to ensure that any developments within “V” zones would not contravene the Water Pollution Control Ordinance. It should have noted that according to EPD’s ProPECC PN/5/93, septic tanks soakaway systems and any stream had to be separated by a minimum distance of 30m if the stream was likely to be used for drinking and domestic purpose. This was the case for Pak Sha O as the Area was located within a WGG. However, the ‘VE’ included areas within the 30m-buffer distance from streams;
- (i) septic tanks for developments caused pollution and hygiene problems. The Board should consider the cumulative sewerage impacts of all developments, which might be up to 200 houses, in the Area. A hydrological survey should be conducted;
- (j) percolation tests should be required for house developments as stipulated under EPD’s ProPECC and EPD’s ‘Guidance Notes on Discharges from Village Houses’;
- (k) any pollution of the streams in the Area might affect the High Island Reservoir. This was a public health matter;
- (l) he agreed with Water Supplies Department’s comments that there should be no further expansion of the “V” zone unless the project proponent could demonstrate that there would be no material

increase in pollution effects;

- (m) AMO and other relevant departments should be more pro-active in setting standards for rebuilding, so that any new buildings would fit in with the traditional architecture and landscape in the Area; and
- (n) departments such as DLO and District Office should co-operate with PlanD, AMO and other relevant departments to implement plans to conserve Pak Sha O in the public interests.

R15 – Designing Hong Kong Limited

111. Ms Debby Chan made the following main points:

- (a) they fully supported additional measures to control developments in Pak Sha O. However, by making individual plans for each enclave, the Board failed to take into account the cumulative impacts of these individual plans on the integrity of Country Parks;
- (b) in 2010, 77 enclaves were identified and 54 of them were required to be protected from development either by inclusion into Country Parks or by putting them under statutory planning controls. However, the criteria being used to decide how to protect each enclave were unclear. The Board and the Country and Marine Parks Board should consider the cumulative impacts of all developments in the 77 enclaves. However, the Board had never requested for relevant technical assessments on cumulative impacts of all potential developments within enclaves. The current approach to deal with each enclave by individual plans failed to achieve the objective of protecting the Country Parks from developments; and
- (c) land status of land in “V” zones and objection by Heung Yee Kuk New Territories should not override the objective for protection of enclaves against development. The Board could consider

compensating affected parties for including their land for conservation purpose, with land re-provided in another location with public services and road access. The cost of compensation was a matter for the Government to consider.

112. Mr Paul Zimmerman said that the Government had committed major errors in its approach to the protection of enclaves from development by dealing with each enclaves on individual basis. In 2010, 77 enclaves were identified for protection and it was left to the AFCD to decide which of those enclaves should be incorporated into Country Parks. The Board had not considered the cumulative impact of developments in the enclaves on the Country Parks as a whole.

113. At this point, the Chairman reminded Mr Paul Zimmerman that the further representation hearing was to consider the proposed amendments to the DPA Plan as detailed in the Paper. It was not a venue for discussion on enclave or Country Park policy and the Board could not take on board those comments in the statutory town planning process. He requested Mr Paul Zimmerman to focus his representation on the proposed amendments to the DPA Plan.

114. Mr Paul Zimmerman continued the presentation and made the following main points:

- (a) they supported the proposed amendments, which provided more planning control by requiring planning permission for Small House development and rebuilding;
- (b) it was noted that some land owners were already planning to demolish the existing buildings. In fact, no new houses should be allowed to be built in Pak Sha O;
- (c) the current approach of imposing planning controls on the basis of individual enclaves or even individual buildings could not protect the enclaves from developments nor protect the integrity of the Country Parks. Government needed to adopt a more comprehensive

approach; and

- (d) the protection of enclaves should not be left to a ‘fight’ between conservationists and villagers. The Government had to consider the villagers’ fair and legitimate right for compensation.

R18 – Kadoorie Farm & Botanic Garden Corporation (KFBG)

115. Mr Tony Nip drew Members attention to a report titled “ Ecological and Conservation Importance of Six Sai Kung Country Park Enclaves” which they had tabled at the meeting. He said that the report was provided for Members reference.

116. At this point, the Chairman said that the further representation hearing was for further representers and representers to elaborate on their representations based on submissions already made. Mr Nip should not present the new information from the report and the Board could not consider the new report as tabled.

117. Mr. Nip continued his presentation and made the following main points:

- (a) the tabled report was about the ecological value of the woodland, streams and wetland in the Area as well as five other enclaves in Sai Kung. The information on the ecological value of the Area was already included in their representation submission and the report was provided for Members general reference only;
- (b) in the processing of Small House applications, DLO had not performed a satisfactory role to protect the natural and cultural heritage in enclaves. He quoted the example of DLO inappropriately approving a development at Tai Tan. The site at Tai Tan was not suitable for development from an ecological perspective as it was covered with vegetation and located between two streams. However, DLO had indicated that the site was on private land, and that approval had been granted and the houses were being built. Nothing could be done to mitigate the damage.

Without the proposed amendments to the DPA Plan, there would be similar incidence of destruction in Pak Sha O;

- (c) AMO and many others had indicated that the vernacular Hakka village setting that was well preserved in Pak Sha O had high historic value and worthy of preservation. There was already two sites where very nice Hakka buildings, though not graded, were being demolished for redevelopment. The Board should not allow the progressive demolition of those Hakka buildings as it would destroy the village setting; and
- (d) it was both Government's policy and public's aspiration that the enclaves should be better protected from development.

#### R21 – Green Power

118. Mr. Cheng Luk Ki made the following main points:

- (a) Pak Sha O was a good example of village with heritage value. They supported the proposed amendments to the DPA Plan;
- (b) in processing planning applications for NTEHs, the Board would have the technical expertise to consider matters such as the visual, environmental, water quality and pollution impacts. On the contrary, DLO did not have to take into account these considerations when assessing Small House applications;
- (c) the proposed amendments were a good precedent and would be a good reference for other DPA Plans. It was a good balance among the interests of different stakeholders; and
- (d) when planning for new houses in the rural areas, it was necessary to consider the need for associated facilities such as waste management, provision of road, widening of stream course for drainage and the

impact of such supporting infrastructure on the natural environment.

119. Mr Stanley Chan said that he had guided eco-tours to Pak Sha O and more than 1000 members of the public had visited the place, including the Hakka buildings such as the Ho Residence. All those who had visited adored the place and were amazed with the vernacular Hakka building cluster. He said that the public would support the Government to resume the Ho Residence and the surrounding village houses, as in the case for preservation of King Yin Lei. If so, the villagers should be fairly compensated.

120. As the further representer and representers and their representatives had finished their presentations, the Chairman invited questions from Members. As Members had no question to raise, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the further representations in their absence and would inform them of its decision in due course. The Chairman thanked them and the Government's representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

121. The Chairman asked Members to consider the further representations taking into account the written submissions and the presentations at the hearing. He said that some speakers had alleged DLO as giving 'back-door' approvals for Small House development in the area. The fact was that DLO and the Board were both legitimately exercising controls under two different regimes, which operated on different rules and had different policy considerations.

122. The Chairman said that the Board's proposed amendments to the DPA Plan, i.e. inclusion of 'House' as a Column 2 use and amendment to the Remarks of Notes of the "V" zone to state that demolition and rebuilding of existing building required planning permission, were to provide better planning control to ensure that new or redevelopment buildings would be compatible with the existing vernacular Hakka village setting in Pak Sha O. As the further representers had not advanced new and convincing grounds to persuade Members to vary their previous decision,

Members agreed that the proposed amendments should be confirmed and the draft DPA Plan should be amended by the confirmed amendments. In accordance with section 6H of the Ordinance, the draft DPA Plan No. S/NE-PSO/1 should thereafter be read as including the amendments.

123. After further deliberation, Members agreed to note the supporting views of F1 to F3 and decided not to uphold F4. Members then went through the suggested reasons for not upholding F4 as detailed in paragraph 5.2 of the Paper and considered that they were appropriate.

#### Further Representations No. 1 to 3

124. After deliberation, the Board noted the supporting views of further representations No. 1 to 3.

#### Further Representation No. 4

125. After deliberation, the Board decided not to uphold further representation No. 4 for the following reasons:

- “(a) Pak Sha O and Pak Sha O Ha Yeung are outstanding vernacular Hakka villages in the Area and are well-preserved. Since the heritage value of historic buildings partly lies in their original physical environment, any change to the existing vernacular Hakka village setting which may result in possible adverse impact on the heritage value of the historic buildings shall be avoided. Hence, any demolition of or any addition, alteration and/or modification to or replacement/redevelopment of an existing building as well as new house development requires planning permission from the Board;
  
- (b) the purpose of the proposed amendments is not to restrict the traditional right of indigenous villagers to build new NTEHs nor

to deprive individual landowners of their development rights, but to enable the Board to consider the potential impacts of individual NTEH development on the existing vernacular Hakka village setting. Each application will be considered on its individual merits; and

- (c) the proposed amendments will act as an interim control to prevent any possible adverse impact on the existing village setting before further studies/assessments and consultation with relevant government departments on the cultural and historical significance of the Area are carried out at the OZP preparation stage.”

[Dr Yau Wing Kong and Ms Julia M.K. Lau arrived to join the meeting and Dr C.P. Lau returned to join the meeting at this point.]

### **Agenda Item 8**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/ST/819

Proposed House (Staff Quarters) in “Village Type Development” Zone, Lot 391 s.F ss.2 (Part) in D.D. 189, Ha Keng Hau, Sha Tin  
(TPB Paper No. 9431)

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[The meeting was conducted in Cantonese.]

126. The following representatives of Planning Department (PlanD), and the applicant's representative were invited to the meeting at this point:

- |                    |   |   |
|--------------------|---|---|
| Mr C.K. Soh        | - | District Planning Officer/ Sha Tin, Tai Po and North (DPO/STN), PlanD |
| Mr Augusto da Roza | - | Applicant's representative  |

127. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN to brief Members on the application.

128. With the aid of a powerpoint presentation, DPO/STN presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant, East Asian Educational Association (EAEA), sought planning permission to convert the existing 2-storey godown structure on the site into a house for staff quarters purpose. The site fell within an area zoned “Village Type Development” (“V”) on the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/28;
- (b) on 7.6.2013, the Rural and New Town Planning Committee (RNTPC) of Town Planning Board (the Board) rejected the application and the main reasons were summarised below:
  - (i) the proposed development was not in line with the planning intention of the “V” zone. Given that the application was for non-village type development and the site had no building entitlement, there was no strong justification in the submission for a departure from such planning intention; and
  - (ii) approval of the application would set an undesirable precedent for similar applications within the “V” zone;
- (c) on 11.7.2013, the applicant applied for a review of the planning application under s.17(1) of the Ordinance. At the point of submitting the review application, the applicant had not submitted any justifications. On 24.9.2013, the applicant submitted a letter in support of the representation, the main justifications put forth were summarised below:
  - (i) EAEA was registered as a charity organisation. The objectives and business nature of EAEA were sponsoring schools, students and community activities. There was a

need for the proposed staff quarters to attract overseas employees;

- (ii) the applicant's properties in Ha Keng Hau had not caused disturbance to the villagers;
  - (iii) retaining the site as 'agricultural land' was not meaningful in the urbanised setting of the area; and
  - (iv) the applicant would not redevelop the properties in Ha Keng Hau nor change their external appearance which might change, the 'village character' of the area;
- (d) departmental comments - comments from relevant government departments were detailed in section 5 of the Paper. District Lands Officer/ Sha Tin, Lands Department (DLO/ST, LandsD) maintained his objection to the application as under the existing land policy, LandsD would not normally consider land exchange of agricultural lot for non-Small House development within the village 'environs' ('VE'). DLO/ST advised that the subject lot was an agricultural lot, and no structure was allowed under the lease. The existing structure on the site was permitted for godown purpose in the form of a short term waiver. Other Government departments consulted maintained their previous views of having no adverse comment on or no objection to the planning application;
- (e) previous application – there was no previous application on the site;
- (f) similar application – there was no similar application within the subject "V" zone;
- (g) public comments – two public comments were received from the Resident Representative and the Indigenous Inhabitant Representative of Ha Keng Hau raising objection to the application

on the main ground that the proposed staff quarters were non village-type development and would cause disruption to existing harmony of the neighbourhood; and

- (h) PlanD's view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
  - (i) the proposed development was for a house providing staff quarters for the applicant's overseas and visiting employees. It was not in line with the planning intention of the "V" zone, which was primarily for the development of Small Houses by indigenous villagers. According to DLO/ST, there was insufficient land in the "V" zone to meet the demand for village houses;
  - (ii) the proposed conversion of the existing two-storey structure into a house for staff quarters purpose was not incompatible with the surrounding village environment. Given the small scale of the staff quarters, it would unlikely have adverse traffic, environmental and visual impacts. However, for "V" zones, it was the established practice of the Board that sympathetic consideration might only be given to 'House' development on site with building entitlement under the lease. However, according to DLO/ST, the subject lot was an agricultural lot;
  - (iii) as mentioned above, DLO/ST objected to the application and there were public comments raising objection to the application; and
  - (iv) the approval of the application would set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such similar applications would

reduce the land available for Small House development.

129. The Chairman then invited the applicant's representative to elaborate on the review application. Members noted a letter from the Resident Representative of Ha Keng Hau tabled by the applicant. With the aid some photos, Mr Augusto da Roza made the following main points:

- (a) the applicant, (EAEA) was a charity organisation registered in Hong Kong and they were engaged in educational business;
- (b) the building that was proposed for conversion to residential use was within a walled compound with three buildings. The two buildings annotated as House 1-2 and House 3 on Plan A-2 of the Paper were for residential use. House 10 was the building under the subject planning application. House 10 was under a short term waiver for godown use. He stressed that minimal works were needed to convert the building for residential use;
- (c) with the aid of the photos, he explained the site conditions, including the conditions of the three buildings and the garden within the walled-compound. There were two existing accesses that were wide enough for vehicular access (including for emergency vehicle access). The applicant had originally included proposal for on-site car parking facilities in the application, but such facilities were deleted;
- (d) the applicant was a responsible organization. A strip of government land was occupied by the previous owner of the site, but the applicant had already rectified it by excluding the area from their proposal. They were informed by the Government that there were unauthorized building works on the site but those works were not put in by the applicant;
- (e) the previous owner had used the building for residential purpose and

had partitioned it in such manner. The applicant currently used the building for storage. However, when the government inspectors inspected the building, they thought that the building was used for residential purpose only because of the partitions put in by the previous owner and that the applicant had stored some domestic furniture therein;

- (f) the proposed staff quarters would only provide six bedrooms and not many people would live in the quarters;
- (g) he did not agree that a bad precedent would be set if the Board approved the application. Even if the current use on the site was to be discontinued, the site would not be economically viable for agricultural use. Hence, there would not be a precedent because the Board was considering a very unique case in that the applicant was a charity organization; the building was within a walled compound; the site was very small; there was an existing building on the site which was already built and partitioned in a manner good for residing;
- (h) if the Board decided to approve the application, the applicant was willing to accept a condition that there would be no redevelopment of the existing building;
- (i) he did not agree with PlanD's argument that approving the application would reduce the land for village type development. The land occupied by the building was in private ownership and was never available for building village house;
- (j) two public comments objecting to the application were received by the Board. One of objectors was Mr Law who was the Resident Representative of Ha Keng Hau. Mr Law had visited their properties and the applicant had explained EAES' operations to him. Subsequently, Mr Law provided them with a letter as tabled

indicating support for the application; and

- (k) he reiterated that the application was a unique case with special circumstances and the applicant was doing good works for the local village and the community of Hong Kong. He urged the Board to approve the application.

130. As the presentation was completed, the Chairman invited questions from Members.

131. The Vice-chairman asked when the applicant bought the subject building and whether they were aware that it should only be used for godown purpose. Mr Augusto da Roza said that the applicant bought the three buildings together in 2009. When they visited the place, the three buildings (including the subject building) were used as residences. At that point, they did not know that the subject building should only be used for godown purpose. They were later advised by their lawyers that the subject building should only be used for godown purpose but they were still happy to continue with the purchase. The applicant could in fact continue to use the building as residence. However, the applicant was a responsible organisation and they were mindful of the need to follow the laws. They should not be punished for being honest and responsible. In response to the Vice-chairman's question of whether they had adjusted the purchasing price knowing that one of the buildings could only be used as godown purposes, Mr. Augusto da Roza said that they had not adjusted the price as they liked the unique setting of the buildings.

132. In response to a Member's question, Mr C.K. Soh (DPO/STN) said that the short term waiver was only for godown (not residential) use in the subject building. A Member asked whether there was information about when the subject building was built. Mr C.K. Soh said that they did not have information on the date on which the subject building was built. However, it was understood that the building was built on-site after DLO granted a short term waiver for use of the site as godown in 1977.

133. The Chairman asked the applicant's representative to elaborate on the justifications for the proposed staff quarters in "V" zone which should be reserved for

Small House developments. Mr Augusto da Roza said that the Board should approve the application taking into account the special circumstances of the case including that the building under application was within a unique setting of a walled compound and the applicant was a charity organisation.

134. The Chairman said that the Board in considering planning applications would only take into account relevant considerations. Therefore, some factors mentioned by the applicant (such as the charitable nature of the applicant) which were not planning considerations could not be taken into account. He asked Mr Augusto da Roza whether he had additional points to make regarding why the Board should approve the application for staff quarters use on land zoned "V". In response, Mr Augusto da Roza reiterated that with the unique circumstances of the case as he had presented, approval of the application would not set an undesirable precedent.

135. As the applicant's representative had no further comment to make and Members had no further question, the Chairman informed him that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in his absence and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/STN and the applicant's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation

136. The Chairman asked Members to deliberate on the review application, taking account of the written submission and presentations at the hearing. Members noted that the site was under a short term waiver for godown use but not residential use; the proposed staff quarters in "V" zone were not village type development and was not in line with the planning intention of the "V" zone; and that the applicant had not provided new information to justify a departure from MPC's decision. After discussion, Members agreed that the application for review should be rejected.

137. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as

stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “ (a) the proposed development is not in line with the planning intention of the “Village Type Development” zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Given that the application is for non-village type development and the site has no building entitlement, there is no strong justification in the submission for a departure from such planning intention; and
- (b) the approval of the application will set an undesirable precedent for similar applications with the “V” zone. The cumulative effect of approving such similar applications will reduce the land available for Small House development.”

[Mr F.C. Chan left the meeting at this point and Ms Julia Lau left the meeting temporarily at this point.]

### **Agenda Item 9**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/432

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lot 544 in D.D. 28, Tai Mei Tuk, Tai Po  
(TPB Paper No. 9432)

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[The meeting was conducted in Cantonese.]

138. The following representative of Planning Department (PlanD), and the applicant’s representative were invited to the meeting at this point:

- Mr C.K. Soh - District Planning Officer/ Sha Tin, Tai Po and North (DPO/STN), PlanD
- Mr Lau Chee Sing - Applicant's representative

139. The Chairman extended a welcome and explained the procedure of the review hearing. Members noted the letter tabled by the applicant's representative at the meeting. He then invited DPO/STN to brief Members on the application.

140. With the aid of a powerpoint presentation, DPO/STN presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the site. The site fell within an area zoned “Green Belt” (“GB”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17;
- (b) on 15.3.2013, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application and the main reasons were summarised below:
  - (i) the proposed development was not in line with the planning intention of “GB” zone. The site and its adjoining slopes served as a buffer between the natural vegetated hillsides to the north and the village proper to the south. There was a general presumption against development within this zone;
  - (ii) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape on the surrounding environment; and

- (iii) the proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' (Interim Criteria) in that the proposed development would cause adverse landscape and sewerage impacts on the surrounding areas;
  
- (c) on 16.4.2013, the applicant applied for a review of the planning application under s.17(1) of the Ordinance. On 17.7.2013, the applicant submitted further information (providing a landscape proposal and a stormwater and sewage disposal proposal) to support the review application (Annex F of the Paper);
  
- (d) departmental comments - comments from relevant government departments were detailed in section 5 of the Paper and summarised below:
  - (i) the Director of Environmental Protection (DEP) maintained his previous view of not supporting the review application due to concerns on the potential water quality impact on the nearby Lung Mei area if connection to the planned sewerage system was not feasible. The stormwater and sewage disposal plan indicated that the applicant's sewer pipe could be connected to the planned public sewer under construction via manholes of a private house development in its south. However, consent letter from the private house development to demonstrate feasibility of the proposal was not provided by the applicant;
  
  - (ii) Chief Town Planner / Urban Design and Landscape, PlanD (CTP/UD&L) noted the landscape proposal submitted by the applicant for the review but maintained his objection to the application. The main reason was that if the application was approved, similar developments would be encouraged within the "GB" zone and would result in village development

extending further towards the edge of dense woodland in the Country Park and degrading the landscape quality in the area; and

- (iii) other government departments consulted maintained their previous views of having no adverse comment on or no objection to the planning application;
- (e) previous application – there was no previous application for NTEH on the site;
- (f) similar applications – there were five similar applications (No. A/NE-TK/204, 217, 372, 443 and 444). Planning applications No. A/NE-TK/204 and 217 were approved by the RNTPC in 2006 mainly on consideration that the proposed Small Houses fell mostly within the village ‘environs’ (‘VE’) and there was a general shortage of land to meet the demand for Small House development in the “V” zone of the concerned village. Some proposed Small Houses in application No. A/NE-TK/204 were not in line with the Interim Criteria in that less than 50% of their footprints fell within the ‘VE’ but sympathetic consideration was given at that time as planning permissions for the Small Houses had previously been granted by the Board in 2000 and the related Small House applications had been approved by the Lands Department in 2001. The other three planning applications were rejected by RNTPC on similar grounds as the subject application;
- (g) public comments – three public comments were received on the review application, one comment (submitted by WWF-Hong Kong) raised concerns and the other two public comments (submitted by Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation) objected to the application. Their main grounds were that the “GB” zone should be preserved as a landscape buffer from the dense woodland; the application was not in line with

the planning intention of the “GB” zone; there would be adverse impacts on the water quality in Lung Mei; and there would be undesirable precedent effect. Six public comments were received on the further information objecting to the application for the reasons stated above. Those public comments were submitted by the parties who had submitted comments on the review application as stated above as well as the Residents Representative of Tai Mei Tuk, Indigenous Inhabitant Representative (IIR) of Lung Mei and former IIRs of Tai Mei Tuk; and

- (h) PlanD’s view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
  - (i) the proposed development was not in line with the planning intention of the “GB” zone;
  - (ii) CTP/UD&L objected to the application from landscape perspective and DEP did not support the review due to concerns on potential water quality impact if connection to the planned sewerage system was not feasible. Hence, although more than 50% of the proposed Small House footprint fell within the ‘VE’ and there was a general shortage of land to meet the future Small House demand, the proposed development did not meet the Interim Criteria in that it would cause adverse landscape and sewerage impacts; and
  - (iii) there was no strong planning justifications provided in the application to depart from RNTPC’s previous decisions on similar applications as highlighted above.

[Mr. Edwin H.W. Chan left and Ms Julia Lau returned to join the meeting at this point.]

141. The Chairman then invited the applicant's representative to elaborate on the review application. With the aid of some plans, Mr Lau Chee Sing made the following main points:

- (a) the letter which was tabled at the meeting summarised the major points of his presentation;

#### Precedent Cases

- (b) the Board had approved 15 applications (involving 50 Small Houses) within the same "GB" zone and the sites fell within the 'VE' (of the Lung Mei, Wong Chuk Tsuen and Tai Mei Tuk). The application should be given the same treatment as those other precedent cases;
- (c) for the three rejected applications quoted in the Paper (planning applications No. A/NE-TK/372, 443 and 444), although those sites fell within the same "GB" zone, they were all located outside the 'VE'. DLO did not support the Small House applications on those three sites. Hence, the rejected applications were not relevant for the Board in considering the subject case;

#### Site Formation Works

- (d) the site formation works had been approved by the Geotechnical Engineering Office (GEO) of the Civil Engineering and Development Department in November 2012. As recorded in the Paper, GEO had no comment on the application;

#### Drainage and Sewerage Impacts

- (e) the proposed Small House was located about 80m away from the planned sewerage system. In the stormwater and sewage disposal proposal, the applicant proposed that sewer from the proposed Small House would be connected to public sewer via discharge into a

private manholes of a house development to its south. That house development was the subject of an approved planning application No. A/NE-TK/204. In this regard, the Drainage Services Department (DSD) had no comment on the review application. To address the comment of DEP, the applicant had obtained a consent letter from Good Honest Limited indicating that the sewer pipe of the proposed Small House was allowed to be connected to the manhole in the sewer pipes of the house development to the south. Hence, he did not agree with PlanD's view that the Small House would cause adverse sewerage impacts;

#### Landscape Impacts

- (f) he did not agree with PlanD's view that approval of the application would encourage more village development extending further towards the edge of the dense woodland of the Country Park. With the aid of Plan R-2 of the Paper, he pointed out that the site was separated from the edge of the Pat Sin Leng Country Park by a buffer distance of about 130m. Approval of the subject application would only allow a house at the periphery of the 'VE' and not an extension into the woodland. Approval of the subject application would have no direct precedent effect as the three rejected applications were located beyond the 'VE' in the woodland within the 130m-buffer zone;
- (g) the applicant had submitted a landscape proposal in support of the review. Due to the limited space available on the site, only three trees were proposed to be planted on the site. CTP/UD&L indicated objection to the review application due to the landscape impacts on the surrounding area, but it was not indicated in the Paper whether the landscape proposal for the site was acceptable;
- (h) he quoted an approved planning application No. A/NE-TK/419 and explained that there was limited space for planting within that site.

Since the Government did not accept the provision of off-site planting on government land, no tree planting was required in that case. The situation was similar to the subject application site. He stressed that the applicant was willing to satisfy landscape requirements as far as possible. He urged Members to note that there was limited space on the site and it was not feasible to provide landscaping off-site; and

### Conclusion

- (i) the Applicant concluded that the Board should approve the application as per the other approved applications within the same 'VE' and "GB" zone. The applicant had satisfied the requirements for site formation works and drainage and sewage disposal. The applicant was also willing to further improve the landscape proposal to the satisfaction of PlanD. He urged the Board to give sympathetic consideration to approve the application.

[Professor C. P. Lau left the meeting at this point.]

142. As the presentation was completed, the Chairman invited questions from Members.

### Implications of Approving the Application

143. The Chairman asked DPO/STN to elaborate on CTP/UD&L's concern that village development might extend towards the edge of the dense woodland of the Country Park. With the aid of Plans R-1 and R-2 of the Paper, Mr C. K. Soh explained that the house development to the south of the site mentioned by the applicant was the subject of an approved planning application No. A/NE-TK/204. As part of that approved scheme, a slope with landscaping was retained along the northern boundary of the development. The current application site was located between the boundary of the 'VE' and the said the slope. Mr Soh said that other than its location at the edge of the 'VE', the subject application was similar to the

three rejected applications in that they were all located in the buffer area between the said slope and the Pat Sin Leng Country Park. As such, CTP/UD&L had concerns on the potential encroachment of village development into the dense woodland of the Country Park and raised objection to the application from landscape perspective.

144. With the aid of Plan R-3 of the Paper, Mr Lau Chee Sing responded to the points made by Mr C.K. Soh and said that the said slope of the approved house development was only a turfed slope and the closest house was built only about 15m from that slope. He also considered that when the Board rejected the three planning applications, the locations of all three sites outside the 'VE' was a relevant consideration. However, the subject application site was located inside the 'VE' and this differentiated it from the three other rejected planning applications.

145. The Chairman said that if the application was approved, it might lead to similar applications for Small Houses to the east of the site, on the strip of land between the 'VE' and the approved house development in the south. He asked DPO/STN to comment on the implications. Mr C.K. Soh said that from sewerage implications, it might lead to multiple sewer pipes being built through extensive area of government land or the need for more connections into private sewer pipes nearby. It would also lead to undesirable extension of village development on areas within the "GB" zone along the northern periphery of the 'VE' towards the Country Park.

#### Sewage Disposal Proposal

146. The Chairman asked Mr Lau Chee Sing to clarify whether Good Honest Limited was the company with legitimate right to allow the applicant to connect the sewer pipe from the Small House to the approved house development to the south. Mr Lau Chee Sing said that Good Honest Limited was the developer who submitted the approved planning application No. A/NE-TK/204. As the consent letter from Good Honest Limited was only received the day before the meeting, the applicant did not have time to verify that Good Honest Limited was the landowner. However, the applicant could submit supplementary information to the Board after the meeting.

147. The Chairman asked about the land status of land proposed for the sewer

pipes. With the aid of the plan in the stormwater and sewage disposal proposal (in Annex F of the Paper submitted by the applicant), Mr Lau Chee Sing said that the proposed sewer pipe connecting the proposed Small House on the site with the approved house development to the south would be on government land. The proposed connection to the private manhole was on private land and consent from the developer for such connection had already been obtained.

148. In response to a Member's question, Mr C.K. Soh explained that the manhole for discharge from the approved house development was directly connected to the public sewer.

149. The Chairman asked LandsD to advise about Government's policy on granting permission for laying sewer pipes on government land. Mr Jeff Y.T. Lam (Deputy Director of Lands) said that when LandsD received such requests, they would first consider whether the government land involved was suitable for the proposed use. He opined that whether the proposed sewer connection on government land of such extent was acceptable needed further study.

150. Another Member asked DPO/STN to clarify about the comments relating to drainage and sewerage aspects. Mr C.K. Soh said that DSD indicated no in-principle objection to the application as DSD's concerns were on technical aspect, i.e. whether the drainage and sewage disposal proposal was acceptable from an engineering perspective. However, EPD did not support the application unless the applicant could provide information to demonstrate that the proposed sewerage connection via a private manhole in the approved house development in the south was feasible.

151. Mr Lau Chee Sing made some concluding remarks covering the following main points:

- (a) if the Board could provide more time to the applicant, in-principle agreement from DLO for the use of government land for laying their sewer pipe as proposed in the drainage and sewage disposal proposal could be sought;

- (b) for Small House application involving sewer connection via private development, DLO would require proof of consent to be submitted and relevant conditions would be included in the lease. As such, Members' concern on sewage disposal aspect would be further monitored by DLO; and
- (c) if the Board had concern on allowing Small House developments within 'VE' in the "GB" zone, it should not have approved the 15 planning applications allowing 50 houses to be built therein. The application should be considered on its individual merits and it was unfair to the applicant if the Board rejected this case within the 'VE' on speculative concerns that it might lead to more developments in the 'VE'.

152. As the applicant's representative had no further comment to make and Members had no further question, the Chairman informed him that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/STN and the applicant's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation

153. The Chairman asked Members to deliberate on the review application, taking account of the written submissions and presentations at the hearing. He said that there were uncertainties about the sewage disposal proposal in that there was no evidence to prove that the company (Good Honest Limited) that agreed to the sewer connection was the landowner of the approved house development to the south; and whether LandsD would allow the applicant to lay sewer pipes on government land.

154. With regard to the Applicant's sewage disposal proposal involving connection to sewer pipes in a private development, the Secretary said that PlanD

would normally request for proof of consent from the applicant to demonstrate feasibility of the proposal. That requirement arose from an appeal case where the Town Planning Appeal Board had requested the applicant to provide proof of consent from the owner of private land/development before accepting the sewage disposal proposal.

155. A Member said that as RNTPC's previous concerns on sewerage and landscape impacts had not been resolved, the application should be rejected. The applicant could submit a fresh application after he resolved the matters.

156. Another Member, however, said that there should be sympathetic consideration of the application. Submission and implementation of the sewage disposal proposal could be dealt with by way of stipulating a planning condition. The visual impact of the Small House was not a major concern as the site was very close to adjacent houses and the slope to its south was not a steep slope.

157. The Chairman said that the Board could either reject the application or to defer the application and allow time for the applicant to provide concrete proof of the feasibility of its sewage disposal proposal (regarding consent to provide sewer pipes on government land and private land). However, approving the application with a condition on the sewage disposal proposal might not be appropriate as the Board was unclear whether the proposal was a feasible solution. The Secretary said that since the Board had required applicants to submit proof of consent for sewers proposed to pass through private land/development in previous cases, it might not be consistent with the current practice if the Board approved this application and allowed the matter to be dealt with by way of an approval condition.

158. The Chairman said that if the Board decided to defer the application and ask the applicant to provide proof of consent for sewer connections, Members had to deliberate on whether the landscape impacts could be tolerated as this was also one of the rejection reasons at the section 16 stage.

159. The Chairman requested Members to also consider the precedent effects of approving the current application on other planning applications for Small House

developments at the northern fringe of the 'VE'. The Secretary advised Members that the application was considered not in line with the Interim Guidelines only on adverse landscape and sewerage impacts. The application met the other criteria in the Interim Criteria in that the site was within 'VE' and there was general shortage of land in meeting the Small House demand in that area.

160. Two Members considered that there were uncertainties about the consent obtained by the applicant for sewer connection through the approved house development to the south. They considered that the applicant should submit a fresh application for the Board's consideration after the matter was resolved. One Member also indicated that allowing the applicant to destroy the "GB" for provision of sewer pipe might not be totally in line with the planning intention.

161. The Vice-chairman said that the case should not be rejected outright, given that the site was within 'VE' and there was insufficient land to meet the Small House demand at that location. The application could be deferred to allow the applicant more time to prove that the sewage disposal proposal was feasible. He considered that the visual impact of the development could be tolerated.

162. The Chairman said that if Members decided to defer the application to allow the applicant more time to only prove the feasibility of the sewage disposal proposal, Members were in fact also agreeing that due to the special circumstances, i.e. the site being within the 'VE' and there being a shortage of land to meet the Small House demand, the adverse visual/landscape impacts of the development would be accepted.

163. A Member agreed that the adverse visual impacts of the development could be tolerated as the proposed Small House was close to the village cluster. Regarding possible precedent effects, if the future applications complied with the Interim Criteria, then the Board was also obliged to approve them.

164. The Chairman concluded Member's view that the application should be deferred to allow time for the applicant to resolve outstanding matters relating to the sewerage proposal.

165. After deliberation, the Board decided to defer a decision on the review application. The applicant would be asked to further liaise with LandsD to obtain in-principle agreement for laying sewer pipes on government land. The applicant should also be asked to obtain proof of consent from owner(s) of the house development to the south of the application site for connecting its sewer pipe to the private manhole for discharge into the public sewer.

**Agenda Item 10**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/DPA/NE-TKLN/4

Proposed House (New Territories Exempted House – Small House) in “Recreation” Zone, Government Land in D.D. 78, Ta Kwu Ling North  
(TPB Paper No. 9433)

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[The meeting was conducted in Cantonese.]

**Agenda Item 11**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/DPA/NE-TKLN/5

Proposed House (New Territories Exempted House – Small House) in “Recreation” Zone, Government Land in D.D. 78, Ta Kwu Ling North  
(TPB Paper No. 9434)

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[The meeting was conducted in Cantonese.]

166. The Chairman informed Members that as the two planning applications were similar in nature and the sites were adjacent to each other, they were considered by the RNTPC together. Members agreed that the two review applications should be considered together.

167. The following representative of Planning Department (PlanD), and the applicant's representative were invited to the meeting at this point:

- Mr C.K. Soh - District Planning Officer/ Sha Tin, Tai Po and North (DPO/STN), PlanD
- Mr Sit Kwok Leung - Applicants' representative

168. The Chairman extended a welcome and explained the procedure of the review hearing. The Chairman informed the applicants' representative that the Board would consider the two review applications together. He then invited DPO/STN to brief Members on the application.

169. With the aid of a powerpoint presentation, DPO/STN presented the applications and covered the following main points as detailed in the Papers:

- (a) the applicants sought planning permissions to build a house (New Territories Exempted House (NTEH) – Small House) on each of the two sites. The sites fell within an area zoned “Recreation” (“REC”) on the approved Ta Kwu Ling North Development Permission Area Plan No. DPA/NE-TKLN/3 at the time of the submission of the section 16 planning application. The draft Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/1 was currently in force and the “REC” zoning of the sites remained unchanged;
- (b) on 12.6.2013, the Rural and New Town Planning Committee (RNTPC) of Town Planning Board (the Board) rejected both applications for the same reasons as summarised below:
  - (i) the application was not in line with the planning intention of “REC” zone which was primarily for recreational developments for the use of the general public;
  - (ii) the application did not comply with the Interim Criteria for assessing NTEH/Small House (Interim Criteria) in that there was sufficient land within the “Village Type Development” (“V”) zone to meet the future NTEH/Small House demand;

and

- (iii) approval of the proposed development would set an undesirable precedent for other similar applications;
- (c) on 10.7.2013, the applicants applied for reviews of the planning applications under s.17(1) of the Ordinance. The justifications put forth by the applicants in support of the review applications were highlighted in paragraph 3 of the Papers and summarized below:
- (i) a very large piece of government land (about 1,210 m<sup>2</sup>) to the immediate north of both sites was approved by the Board for six NTEH/Small House developments via application No. A/DPA/NE-TKLN/3. The sites of the subject applications and the site of application No. A/DPA/NE-TKLN/3 fell within the same “REC” zone. It was doubtful that the use of government land on the sites (65.03 m<sup>2</sup> each) for house development would have significant or additional adverse planning impacts; and
  - (ii) the applicants were both indigenous villagers of Chuk Yuen Village and were both affected by the Liantang / Heung Yuen Wai Boundary Control Point (LT/HYW BCP) development. However, there was no guarantee that the applicants would be allocated a site at the village re-site area in future. The application No. A/DPA/NE-TKLN/3 which was planned and approved to use land outside the village re-site area demonstrated that there would not be sufficient land in the village re-site area to meet the anticipated small house demand;
- (d) departmental comments - comments from relevant government departments were detailed in section 5 of the Paper and summarised below:

- (i) the District Lands Officer/ North (DLO/N) advised that according to their office record, the applicants were not landowners of building lots affected by the LT/HYW BCP project and, as such, they would not be compensated under the New Territories Village Removal Policy (NTVRP) and the Government would not provide NTEH to them under the prevailing policy. Under the prevailing land administration practice, any villagers of Chuk Yuen Village should only acquire private land within the New Chuk Yuen Village for their NTEH/Small House development and no more government land would be granted for NTEH/Small House after the cut-off date of village removal for Chuk Yuen Village (i.e. 18.9.2008);
  
- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) maintained his previous view at the section 16 stage of not supporting the application from an agricultural development perspective as active agricultural activities were noted within and in the vicinity of the site;
  
- (iii) the District Officer (North), Home Affairs Department (DO(N), HAD) conveyed the views of the locals on the two review applications. The Vice-Chairman of Ta Kwu Ling District Rural Committee and the Indigenous Inhabitant Representative (IIR) of Chuk Yuen Village supported the applications while the Incumbent District Council member had no comment on it. However, the Resident Representative of Chuk Yuen Village objected to the application on grounds that the previous arrangement for Chuk Yuen village re-site was appropriate and reasonable. The applications were unfair to the previous arrangement and should they be approved, land should also be granted to all qualified indigenous villagers and villagers who were affected

by the LT/HYW BCP project; and

- (iv) other government departments consulted maintained their previous views of having no adverse comment on or no objection to the planning applications;
- (e) previous application – there was no previous application on the site;
- (f) similar applications – there was a similar application (No. A/DPA/NE-TKLN/3) for development of six NTEHs/Small Houses within the same “REC” zone in the Ta Kwu Ling North area since the first promulgation of the Interim Criteria on 24.11.2000. It was related to re-siting of building lots at the south of Chuk Yuen Village affected by the construction of LT/HYW BCP connecting road. The application was approved with conditions by the RNTPC on 21.12.2012 mainly on grounds that the construction of LT/HYW BCP and its connecting road had strategic significance for the future development of Hong Kong. Policy support for the subject application had been given and the application should be treated as an exceptional case to facilitate the timely clearance of the affected building lots for the completion of the LT/HYW BCP connecting road by 2018;
- (g) public comments – the same five public comments were received on both planning applications:
  - (i) two public comments were from a North District Council member and the IIR of Chuk Yuen Village supporting the planning applications;
  - (ii) two public comments were from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objecting to the planning applications mainly on grounds that the Small House developments were not in line with the

planning intention of the “REC” zone and there would be undesirable precedent effect; and

- (iii) one public comment submitted by an indigenous villager of Chuk Yuen Village enclosing 15 signatures objecting to the applications; and
- (h) PlanD’s view - PlanD did not support the review applications based on the planning considerations and assessments set out in paragraph 7 of the Papers, which were summarised below:
  - (i) the sites fell within the “REC” zone that was primarily for recreational developments for use of the general public. According to the “Land Use Planning for the ‘Closed Area’ – Feasibility Study” completed in July 2010, the area was intended to provide land use opportunities to create visitor destinations through provision of low-intensity recreational uses with a view to preserving the natural and rural character of the area. Thus, the proposed developments were not entirely in line with the Interim Criteria in that they would frustrate the planning intention of the “REC” zone;
  - (ii) as mentioned above, DAFC did not support the applications from an agricultural development perspective. The applicants’ point about Small House allocation in New Chuk Yuen Village (re-site village) in future were land administration matters outside the purview of the Board;
  - (iii) approval of the proposed Small Houses under both applications would set an undesirable precedent for similar applications and would affect the long-term planning of the “REC” zone;
  - (iv) the total site area for New Chuk Yuen Village was about 6.2 ha.

Based on DLO/N's records, there was no outstanding Small House application for New Chuk Yuen Village while the 10-year Small House demand forecast was 22. There was still 5.45 ha of land (equivalent to 218 Small Houses sites) within the "V" zone. The "V" zone should therefore be of sufficient size to cater for future demand; and

- (v) the approved application (No. A/DPA/NE-TKLN/3) quoted by the applicant was approved under exceptional circumstances with policy support as explained above. Hence, it should not be regarded as a precedent case.

170. The Chairman then invited the applicants' representative to elaborate on the review applications. Mr Sit Kwok Keung said that it was not correct to say that there was sufficient land within the "V" zone. The re-site village was only for re-siting of those who previously owned a house in Chuk Yuen Village and were affected by the LT/HYW BCP project. However, no land was reserved for indigenous villagers to build new NTEHs in the re-site village. There was no 'VE' in the re-site village and the 'VE' in Chuk Yuen Village was no longer valid after the cut-off date in 2008. Hence, the applicants could not apply for NTEH on land within the old 'VE' nor in the re-site village.

171. At this point, the Chairman reminded the applicants' representative to focus his presentation on the reasons why the Board should approve the subject NTEH/Small House applications within an area zoned "REC". Mr Sit Kwok Keung continued with his presentation and made the following main points:

- (a) with the aid of Plan R-2 in the Paper, he said that there were other village houses and domestic structures near the application sites. The application sites were adjacent to the site of the approved planning application No. A/DPA/NE-TKLN/3;
- (b) the portion of the "REC" zone on which the sites were located was mainly used for rural residential purpose. "REC" zone was

intended for accommodating private recreation uses, but there was no private recreation use being developed in “REC” zone; and

- (c) the sites on government land were illegally occupied for agricultural activities. Allowing the two NTEHs to be built on the sites would assist in better land management. It would also be a better utilisation of land resources.

172. As the presentation was completed, the Chairman invited questions from Members.

173. In response to the Chairman’s question, Mr Jeff Y.T. Lam clarified that there would be no ‘VE’ in the re-site village. In response to a Member’s question, Mr C.K. Soh said the structures around the application site, as mentioned by Mr Sit Kwok Keung in his presentation, were farm structures or village houses.

[Mr Sunny L.K. Ho left the meeting at this point.]

174. Another Member asked whether there was really insufficient land to accommodate Small House demand as claimed by the applicants’ representative. In response, Mr C.K. Soh said that the total land area in the re-site village at New Chuk Yuen Village was about 6.2 ha. Based on DLO/N’s records, there was no outstanding Small House application for New Chuk Yuen Village while the 10-year Small House demand forecast was 22. There was still 5.45 ha of land (equivalent to 218 Small Houses sites) within the “V” zone. The “V” zone should therefore be of sufficient size to cater for future demand.

175. Mr Sit Kwok Keung said that according to prevailing land policy, government land within the re-site village would not be granted to indigenous villagers for building new NTEH. The owners of private land in the re-site village would normally reserve the land for their next generations to build NTEH and they would not sell their land to people of another village (like the applicants).

176. As the applicant’s representative had no further comment to make and

Members had no further question, the Chairman informed him that the hearing procedure for the review applications had been completed. The Board would further deliberate on the review application in his absence and inform the applicants of the Board's decisions in due course. The Chairman thanked DPO/STN and the applicants' representative for attending the meeting. They all left the meeting at this point.

### Deliberation

177. The Chairman asked Members to deliberate on the review application, taking account of the written submissions and presentations at the hearing. Members generally agreed that the applicants had not provided any new information that would render a change of the MPC's decisions. After discussion, Members agreed that the applications for review should be rejected.

178. After deliberation, the Board decided to reject both applications (A/DPA/NE-TKLN/4 and 5) on review. Members then went through the reasons for rejection of the review applications as stated in paragraph 8.1 of both Papers and considered that they were appropriate. The reasons for rejection of both applications were the same and they were:

- “(a) the application is not in line with the planning intention of “Recreation” zone which is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism;
- (b) the application which does not comply with the Interim Criteria for assessing NTEH/Small House in that there is sufficient land within the “Village Type Development” zone to meet the future NTEH/Small House demand; and
- (c) approval of the proposed development will set an undesirable

precedent for other similar applications and the cumulative effect of approving such similar applications will result in adverse traffic impact.”

Tuen Mun & Yuen Long District

**Agenda Item 5**

[Open Meeting (Presentation and Question Session only)]

Preliminary Consideration of the Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B

(TPB Paper No. 9459)

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[The meeting was conducted in Cantonese.]

179. The following government representatives were invited to the meeting at this point:

Mr W.S. Lau	District Planning Officer/Tuen Mun & Yuen Long, Planning Department (DPO/TM&YL, PlanD)
Mr Joshua Kan	Senior Town Planner/Special Duties, PlanD
Mr Yeung Tak Hoi	Senior Engineer, Water Supplies Department (WSD)
Mr Chiu Chung Ming	Engineer, WSD
Mr Law Yuk Fat	Engineer, WSD
Ms So Lai Wah	Chemist, WSD
Mr Lau Wing Fai	Senior Environmental Protection Officer, Environmental Protection Department (EPD)
Mr Wong Man Kee	Senior Environmental Protection Officer, EPD

180. The Chairman extended a welcome and invited PlanD to brief Members on the Paper.

181. With the aid of a powerpoint presentation, Mr Joshua Kan made the following main points as detailed in the Paper:

Background

- (a) on 7.1.2011, the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 was exhibited for public inspection under section 5 of the Ordinance. After completion of the plan-making process, the DPA Plan was approved by the Chief Executive in Council (CE in C) on 6.12.2011;
- (b) pursuant to section 20(5) of the Ordinance, the DPA Plan was effective only for a period of 3 years until 7.1.2014. As such, an OZP had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the Tin Fu Tsai area (the Area) upon expiry of the DPA Plan;
- (c) on 30.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an outline zoning plan (OZP) for the Area;

Issues Arising from Consideration of the DPA Plan

- (d) during the consideration of the representations on the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 on 15.7.2011, the following issues were raised in the representations:
  - (i) the adverse representations were from Tuen Mun Rural Committee and the Village Representative of Tin Fu Chai (the village name “Tin Fu Chai” was as per in the ‘List of Recognized Villages under the New Territories Small House Policy’ published by the Lands Department). The major issue raised was that the DPA Plan would affect the future development of Tin Fu Chai, and villagers who wanted to build

houses would need to submit planning applications;

(ii) the supportive representations were submitted by green groups. In general, they requested for conservation-related zonings to protect the natural and rural character, and water resources of the Area; and

(iii) the Tuen Mun District Council expressed concern on whether the Government would accept large-scale 'non-haphazard' developments in the Area; and whether relocation of the villagers and residents at Tin Fu Tsai would be required;

(e) the Board decided not to uphold those representations:

(i) for the adverse representations, the Board considered that the DPA Plan would not affect the future development of the Area and there were provisions in the DPA Plan for application for development under the Ordinance;

(ii) for the supportive representations, the Board considered that the DPA Plan was an interim plan which would be replaced by an OZP and detailed land use zonings would be worked out at the OZP preparation stage; and

(iii) for the concerns of the Tuen Mun District Council, the Board considered that the objective of the DPA Plan was to prevent haphazard developments and conserve the rural and natural character of the Area. Large-scale developments were generally not favoured. The DPA Plan had not proposed removal or relocation of the villagers or residents of the Tin Fu Tsai area;

The Planning Scheme Area

- (f) the planning scheme area covered an area of about 54.5 ha, including 10.21 ha of private land (about 18.73%) and 44.29 ha of government land (about 81.27%). It was completely encircled by Tai Lam Country Park. It was about 1.7 kilometres (km) to the southwest of Ho Pui Irrigation Reservoir, and about 1.8 km to the east of the upper end of Tai Lam Chung Reservoir and Kat Hing Bridge. Tai Lam Tunnel ran through the western part of the Area underground in a north-south direction;
- (g) the Area was rural and natural in character. It was surrounded by vegetated hill slopes of Tai Lam Country Park. The eastern, southern and central parts of the Area mainly comprised flat or gently sloping land with orchards/planted trees and some fallow agricultural land covered with trees, shrubs and grasses. The western part of the Area comprised gentle slopes with trees at the periphery;
- (h) in the northwestern part of the Area, along the toe of the hill slopes was a woodland. The northern and northeastern parts of the Area comprised steeper naturally vegetated hill slopes rising to a higher altitude. The higher hill slopes were generally covered with shrubs and grass, while trees were concentrated at the toe of these hill slopes and along the streams flowing down these slopes. These streams converged to a west-flowing watercourse near the central and at the southwestern parts of the Area, and there were a few ponds near the watercourse. An ancestral hall was in the northwestern part of the Area. Part of a permitted burial ground was at the northwestern periphery of the Area;
- (i) the southwestern part of the Area was used for an outdoor training centre. Some war game areas stretched from the southwestern part to the northwestern part of the Area. There were also a few village

type houses and some cultivated land;

- (j) Tin Fu Chai, a pre-1898 recognized village, was located within the Area;
- (k) the Area was within a gazetted water gathering ground (WGG). According to the Water Supplies Department (WSD), the WGG was classified as an upper direct WGG of Tai Lam Chung Reservoir;

#### Local Views

- (l) during the course of preparation of the draft Tin Fu Tsai OZP, PlanD met the Indigenous Village Representative (IVR) of Tin Fu Chai on 18.7.2012 and 5.9.2012. The IVR indicated that Tin Fu Chai was a recognized village and had been inhabited by villagers for a long time. The planning of Tin Fu Tsai area should respect this and “Village Type Development” (“V”) zones should be designated for the indigenous villagers to build Small Houses. Besides, he was of the opinion that current uses in the Area should be allowed to continue and the tranquil rural environment should be preserved. He also considered that flexibility could be provided for introducing some compatible recreation uses so that the Tin Fu Tsai area would not degrade into a dilapidated village;

#### Environmental and Conservation Considerations

- (m) the Area was of rural and natural character and with high landscape value. According to the Landscape Value Mapping of Hong Kong (2005), the Area was of upland countryside landscape character. The landscape was generally characterized by high levels of topographic relief, a very low-density of built development, largely unaltered topography and high levels of vegetation cover. The landscape value of the Area was generally rated “High” (for areas with more natural character) and “High (Qualified)” (for areas with

more human activities). Opportunities should be taken to preserve the rural and natural character as well as the landscape of the Area;

- (n) according to the Agriculture, Fisheries and Conservation Department (AFCD), the habitats in the northwestern part of the Area were largely natural. A wooded area to the north of the ancestral hall was dominated by *Celtis sinensis* (朴) and *Machilus pauhoi* (刨花潤楠) and believed to be the remnant of a 'fung shui' woodland. Numerous individuals of *Pavetta hongkongensis* (香港大沙葉), which was a species protected under the Forests and Countryside Ordinance (Cap. 96), were also recorded there. Although the understorey vegetation had been disturbed and signs of war game were noted, the ecological value of the wooded area should recover overtime. This wooded area was of higher conservation value. There was an opportunity to conserve the natural habitats and the wooded area in the northwestern part of the Area;
- (o) AFCD also advised that other areas with dense tree cover, especially at the periphery of the Area, and the vegetated hillsides with natural streams and diverse aquatic vegetation should also be protected;
- (p) the Area was within an upper direct WGG of the Tai Lam Chung Reservoir. According to the WSD, Tai Lam Chung Reservoir was a very important reservoir in Hong Kong and pollution of this reservoir would have serious consequences. New development within the Area should be strictly controlled in order to avoid any possible water pollution so as to safeguard the quality of the water sources of the Area;

#### Technical Constraints

- (q) the Area was surrounded by natural hill slopes of Tai Lam Country Park. The hill slopes at the northwestern, northern and northeastern

parts of the Area were steep. According to the Geotechnical Engineering Office, Civil Engineering and Development Department, there were natural terrain landslides on these steep hill slopes, which indicated that these natural hillsides were susceptible to natural terrain hazards. These steep hill slopes were considered not suitable for development;

- (r) vehicular access to the Area was through Tai Lam Forest Track, which was a restricted road managed by the AFCD. The section of Tai Lam Forest Track near the Area also formed a section of MacLehose Trail and mountain bike trail for recreation purposes. This section of Tai Lam Forest Track was narrow and without footway. Increased vehicular traffic would cause conflict with the recreation use and safety concerns;
- (s) the Area was not provided with public water supplies (both fresh/potable and flushing/salt water), drainage and sewerage systems. Currently, there was no plan for provision of public water supplies, drainage and sewerage systems. Uses and developments in the Area should pay due regard to these infrastructure constraints;
- (t) there were 400 kV overhead power lines at the southern part of the Area. The Tai Lam Tunnel, traversing the western part of the Area, should not be affected. Part of the Permitted Burial Ground No. BURGD15 was at the northwestern periphery of the Area and the remaining part of the burial ground was within Tai Lam Country Park. The upper direct WGG mentioned above was also considered as a technical constraint;

#### Land for Village Development

- (u) Tin Fu Chai was a recognized village and the only village in the Area. Its village 'environs' ('VE') covered an area of about 14.68 ha, of which about 13.81 ha (i.e. about 94.07%) was within the area

covered by the OZP;

- (v) according to the District Lands Officer/Tuen Mun, Lands Department (DLO/TM), there was no approved nor outstanding Small House application for Tin Fu Chai. DLO/TM indicated that according to the Tuen Mun Rural Committee, at 2009, the 10-year Small House demand forecast for Tin Fu Chai was 150. In January 2013, DLO/TM advised that the 10-year Small House demand forecast by end of 2012 as indicated by the IVR was 678. In August 2013, the forecast was revised by the IVR to 720. As the substantial increase in the updated 10-year demand forecast was unjustified, the forecast at year 2009 (i.e. 150 Small Houses) was adopted for reference in the preparation of the OZP;
  
- (w) there were seven existing village type houses with inhabitants within the Area, which accounted for an area of about 0.18 ha. The forecasted 150 Small Houses would require an area of about 3.75 ha. Therefore, an area of about 3.93 ha in total (i.e. for 157 Small Houses) would be required to meet the Small House demand of the village. There was flat land with few trees in the southwestern part of the Area. The land was already with human activities (e.g. outdoor training centre, war game areas, some cultivated land) and no longer natural. Most of the existing village type houses (including some without inhabitants or in dilapidated state) were within this part of the Area. This part could be considered for village type development to meet the Small House demand of Tin Fu Chai;
  
- (x) however, as the Area fell within an upper direct WGG and there was no existing or planned public sewerage within the Area, WSD considered that new village type developments within the Area would increase the risk of pollution to the WGG and that “V” zone, which permitted New Territories Exempted House (NTEH)/Small House developments, within the Area was not appropriate;

- (y) according to the Environmental Protection Department (EPD), in general the use of septic tank and soakaway systems for sewage treatment and disposal were not considered acceptable for new village type developments within WGG, especially for sites in close proximity to existing stream courses. Any development should demonstrate that water quality within WGG would not be adversely affected;
  
- (z) in view of the concerns of WSD and EPD on the pollution of the upper direct WGG, no “V” zone was proposed in the OZP. However, rebuilding of NTEHs (including Small Houses) and replacement of existing domestic buildings by NTEHs (including Small Houses) would be permitted under the Covering Notes of the OZP. For new NTEHs (including Small Houses) developments, the villagers might consider identifying sites in other villages within the same Heung;

#### Draft Outline Zoning Plan

##### *Planning Intention*

- (aa) the general planning intention for the Area was to conserve the natural habitats, landscape resources and rural and natural character of the Area. Developments which would cause adverse impacts on the water quality and water resources in the WGG were not encouraged;

##### *Land Use Zonings*

- (bb) the land use zonings were incorporated in the draft OZP in Appendix I of the Paper and summarized below:

“Green Belt” (“GB”): Total area: 53.43 ha

- (i) the planning intention of this zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (ii) apart from the wooded area with higher conservation value in the northwestern part of the Area, all areas were within this zone. This zone also covered part of a permitted burial ground intended to provide burial places for indigenous villagers, which was at the northwestern periphery of the Area;
- (iii) since there was a general presumption against development within this zone, development in this zone would be strictly controlled. Development proposals would be considered by the Board on individual merits;
- (iv) as diversion of stream, filling of land/pond or excavation of land might cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board was required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works;

*“Conservation Area” (“CA”): Total area: 1.07 ha*

- (v) this zoning was intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park

from the adverse effects of development. There was a general presumption against development in this zone. In general, only developments that were needed to support the conservation of the existing natural landscape or scenic quality of the area or were essential infrastructure projects with overriding public interest might be permitted;

(vi) a wooded area in the northwestern part of the Area with dense trees was within this zone. As mentioned above, according to AFCD, the habitats in this area were largely natural and this wooded area was of higher conservation value;

(vii) new residential development was not permitted under this zone. Redevelopment of existing houses might be permitted on application to the Board. The redevelopment of existing houses should not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan; and

(viii) diversion of stream, filling of land/pond or excavation of land might cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board was required for such activities;

#### Consultation

(cc) during the course of preparation of the draft OZP, PlanD met the IVR of Tin Fu Chai on 18.7.2012 and 5.9.2012. His views as highlighted above had been duly considered;

(dd) the Plan together with its Notes and Explanatory Statement (ES) and the Planning Report had been circulated to relevant government

bureau and departments for comment. Comments received had been incorporated, as appropriate; and

- (ee) subject to the agreement of the Board, the draft Tin Fu Tsai OZP No. S/TM-TFT/B together with its Notes and ES would be submitted to the Tuen Mun District Council, Tuen Mun Rural Committee and Yuen Long District Council for consultation. Comments collected would be submitted to the Board for further consideration prior to publication of the draft OZP under section 5 of the Ordinance.

182. As the representative of PlanD had finished the presentation, the Chairman invited questions from Members.

183. In response to the Chairman's question, Mr Joshua Kan said that currently there was vehicular access to Tin Fu Tsai via Tai Lam Forest Track, which was for restricted access by permits issued by AFCD. The Tai Lam Forest Track was a narrow paved road.

#### Water Pollution Concerns

184. The Chairman said that the "GB" and "CA" zones on the OZP would be very restrictive on developments in the Area and that would be contrary to the general expectation of villagers. He asked whether the main reason of not allowing a "V" zone on the OZP was due to the location of the Area within the WGG. In response, Mr Yeung Tak Hoi (Senior Engineer, WSD) said that Tin Fu Tsai was close to the Tai Lam Chung Reservoir. This reservoir provided water to the water treatment works in Tuen Mun and Tsuen Wan in New Territories West and Siu Ho Wan on Lantau Island. Hence, any development in the Area that might cause pollution of the Tai Lam Chung Reservoir would pose serious risk on water resources. In addition, as no public sewer was planned to service the Area, any development in the Area would have high risk of water pollution to the reservoir.

185. A Member asked whether there were any technical/engineering solutions to resolve the potential risk associated with water pollution from village development

in that location. Mr. Yeung Tak Hoi said that according to the 'Interim Criteria for Consideration of Application for NTEH /Small House in the New Territories' (Interim Criteria), proposed NTEH/Small House development within WGG should be connected to existing or planned sewerage system. However, no sewerage system was being planned for the Area and it would be very difficult to allow new Small House development from the water pollution control perspective.

186. Mr Lau Wing Fai, Wessex (Senior Environmental Protection Officer, EPD) further advised that Tin Fu Tsai was about 8km from the closest public sewer. It was neither cost effective nor feasible engineering-wise to build a sewer pipe to connect the Area with the public sewer due to the undulating terrain; the very long distance; and the low level of flow.

187. In response to the Chairman's question about in-situ treatment, Mr Wong Man Kee, Johnson (Senior Environmental Protection Officer, EPD) said that according to EPD's ProPECC notes, septic tanks had to be at a buffer distance of at least 30m from streams that were likely to be used for drinking purpose. Most of the existing houses might be able to comply with this criterion. However, if 150 houses were proposed in the Area, it would be difficult to comply with this criterion as there were many streams in the Area.

188. Mr C.W. Tse (Deputy Director of Environmental Protection) supplemented that it was the existing policy not to allow septic tanks for sites in WGG as septic tanks could not filter all e-coli. Very sophisticated sewage treatment facilities would be needed in order to achieve the high standard for discharge required in WGG. However, given the remote location of the Area, it was unimaginable that such sophisticated sewage treatment facilities would be practical.

#### Need for "V" Zone

189. The Chairman said that there was an existing 'VE' for Tin Fu Chai and villagers could directly apply to DLO for Small House developments before the Area was covered by a statutory plan. However, with the proposed "CA" and "GB" zonings on the OZP, Small House development would not be permitted within "CA"

zone and there was a presumption against development in both the “CA” and “GB” zones. Notwithstanding that there was concern on pollution impacts on the WGG, Members should be aware that this would be the first OZP for the Country Park enclaves, converted from a DPA Plan to an OZP, with no “V” zone for an area with an existing ‘VE’. Strong objections from villagers would be expected.

190. A Member said that the “CA” zoning covering the natural woodland was supported. Another Member said that given that all land on the OZP were zoned “GB” and “CA” with no “V” zone, a Member asked why the Government had not asked AFCD to incorporate the Area into the Country Park. In response to the Chairman’s question on whether the Area could be zoned “Country Park” on the OZP, Mr W.S. Lau (DPO/TM&YL) said that areas zoned “Country Park” on statutory plans were within the boundaries of Country Park and the authority to include an area in a Country Park was vested in the Country and Marine Parks Board.

191. The Vice-chairman and five Members indicated that a “V” zone should be included in the OZP. They considered that there was no strong ground not to include a “V” zone given that there was an existing ‘VE’ for Tin Fu Chai and there was demand for Small House in the Area. Non-designation of a “V” zone on the OZP would invite strong objection from villagers. They also opined that the village existed before the reservoir was built and the WGG was designated in the Area, hence, the Government should have planned/provided for sewage disposal/treatment of the village settlement at that time or in future if the population in the Area increased. The Vice-chairman and another Member pointed out that the Board had all along adopted the principle to respect recognised village and villagers’ rights when preparing statutory plans. Another Member was of the opinion that under the Covering Notes of the OZP, rebuilding of NTEH was permitted as of right (other than in the “CA” zone), which indicated that the Board had accepted that there would be a minimum level of village development.

192. In order to reflect the status quo and address WSD’s concern on the impact on water quality within WGG, the Vice-chairman and the five Members suggested that a “V” zone, though small in extent say covering the existing buildings and/or the ancestral hall, should be included in the OZP. A Member also said that if

there were changing circumstances in future, an extension of the “V” zone could be considered. With regard to the suggestion for a “V” zone to cover mainly the existing buildings, the Chairman said that normally “V” zones on OZPs were drawn up based on the existing settlement and the Small House demand forecast.

193. The Vice-chairman further said that applications for Small Houses within the “GB” zone, could continue to be considered by the Board based on the Interim Criteria.

194. A Member pointed out that large war game centres were being operated in the Area and the waste generated would likely be more than Small House developments. In response to an enquiry from another Member, the Secretary said that no government approval had been given to the war game centre.

[Mr H.F. Leung left the meeting at this point.]

195. A Member said that the proposal not to include any “V” zone in the OZP was not based on any scientific study or quantified risk. In response, Mr Tse said that a more detailed study would be required to quantify the level of population that could be permitted in the Area. Without such study, it would be difficult not to follow the existing policy for control of developments in WGG. The Chairman said that even if such study was conducted, the new house development would likely require sophisticated sewage treatment facilities that would be too costly for Small House developments.

196. The Chairman said that there was a three-year time limit on the DPA Plan which was due to lapse. The Board might consider seeking an extension of time of the DPA Plan to allow time to conduct a study on the level of population that could be accommodated in the Area. Members might also consider whether the OZP, with only “GB” and “CA” zones as proposed, could be put out for consultation first. If necessary, the Government could consider alternatives such as designation of “V” zones on other statutory plans in the same Heung to address the Small House demand of villagers.

Extent of the “V” Zone

197. Mr C.W. Tse said that from sewerage impact perspective, it would be acceptable to only allow rebuilding of existing houses in the Area. The Secretary drew Member’s attention that rebuilding of existing NTEH was permitted under the Covering Notes of the OZP, even though there was no “V” zone.

198. In response to the question from Mr C.W. Tse, the Secretary said that there were seven existing houses and some building lots in the Area. Under the Covering Notes of the proposed OZP, rebuilding of NTEH was always permitted except in “CA” zone. If the “V” zone was to cover the existing houses and the building lots, it would allow about 70 NTEH/Small Houses in the Area. Drawing up the “V” zone based on existing houses and building lots would deviate from the Board’s normal practice to draw up the “V” zones to cater also for forecasted Small House demand. However, applications for Small House development within the “GB” zone could be submitted to the Board for consideration in accordance with the Interim Criteria and applicants would be required to demonstrate, inter alia, that there would be no adverse sewerage impacts.

199. Mr C.W. Tse indicated that if the proposal for the “V” zone would not worsen the existing situation, it could be tolerated.

200. Mr T.H. Yeung said that the seven existing houses could be acceptable from the water supply perspective. However, more information about the building lots in the area was needed for their assessment on potential risk of pollution to the WGG.

201. Mr W.S. Lau said that there were seven existing village type houses with inhabitants and 66 old building lots in the Area. Some buildings on the building lots had already collapsed as villagers had moved out. With the aid of a plan, Mr W.S. Lau said that the building lots were mainly in four clusters. If the Board’s decision was to draw up the “V” zone based on the existing houses and all the building lots, the number of NTEH/Small Houses that could be accommodated in the Area would be more than 70. Based on the Small House demand figure of 150 provided by the IVR

in 2009, about half of the demand could be satisfied.

202. Mr T.H. Yeung said that the seven existing houses could be accepted. However, he was concerned that if the building lots were all zoned “V”, there would be no planning control on the Small House development. In response to the Chairman that control on Small House application would still be subject to approval of DLO, Mr T.H. Yeung said that it would be more difficult to raise objection if the lots were within a “V” zone.

203. In response to Mr C.W. Tse’s question, Mr Jeff Y.T. Lam advised that rebuilding of Small Houses on building lots also required application to the DLO and comments from relevant departments, including WSD, would be considered.

#### “V” Zone covering Existing Houses

204. A Member agreed with the proposal to draw up a “V” zone to include the existing houses and all the building lots to recognise the existence of the houses prior to the WGG. However, the Member asked whether there was any practical solution to tackle the sewerage impacts from the 70 houses. Mr T.H. Yeung responded that it would be difficult to deal with the sewerage impacts from more than 70 houses as there was no existing sewer in the Area.

205. The Chairman said that the possibility for provision of sewer in the future might not be precluded. In response, Mr C.W. Tse said that given the small number of houses and the long distance (about 8km) from the closest public sewer, there was virtually no chance that a public sewer would be provided in the Area in future.

206. Mr C.W. Tse asked whether it was possible to require planning applications for NTEH/Small House under a “V” zone. The Secretary said that normally NTEH/Small House was permitted as-of-right in “V” zones. However, there were exceptional instances, such as the Tai Long Wan OZP and the Pak Sha O DPA Plan, that ‘NTEH/Small House’ was put under a Column 2 use in a “V” zone and required planning permission. In Pak Sha O, the requirement for planning permission was to ensure that any new developments would be compatible with the

vernacular Hakka building and village setting.

207. The Chairman said that the case of Tin Fu Tsai was different from Pak Sha O. In assessing planning application for NTEH/Small House development in Pak Sha O, the Board would assess the compatibility in visual amenity terms of the new developments on the vernacular Hakka village setting, involving qualitative assessment and value judgement. For Tin Fu Tsai, whether Small House applications would be approved would be purely based on very technical sewerage related matter. The Secretary said it would not be appropriate if the Board stipulated a requirement for planning permission for Small Houses, having known that all planning applications could not be approved because of the technical consideration on sewerage impact. The cases of Tai Long Wan and Pak Sha O were different in that the planning applications for Small House in those areas could be approved based on individual merits.

208. In response to the Chairman's question, Mr Jeff Y.T. Lam (Deputy Director of Lands) said that Small House applications within "V" zone and 'VE' would be duly processed by DLO and relevant government departments, including WSD, could object to the Small House applications at that juncture.

209. A Member said that regardless of whether the Small House applications were to be handled by DLO or the Board, it might be necessary to undertake a study to ascertain the maximum number of houses that could be accommodated in the Area taking into account the infrastructural constraints.

210. The Chairman said that as there was major concern on potential sewerage impacts, he asked whether Members generally agreed to draw up a "V" zone on the OZP to cover only existing houses for the purpose of the consultation with District Councils and Rural Committee. Further amendments might be incorporated after receiving comments on the OZP after the consultation. The Government might need to make a policy decision as to whether the Area was suitable for village development or whether there was a case to relocate the village. Members agreed.

211. After deliberation, Members:

- (a) agreed that the OZP should be amended to include “V” zone to generally cover the seven existing houses;
- (b) adopted, subject to the amendments to reflect (a) above, the Explanatory Statement (ES) as an expression of the planning intention and objectives of the Board for various land use zonings of the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B; and
- (c) agreed, subject to the amendments to reflect (a) above, that the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B together with its Notes and ES (Appendices I to III of the Paper) were suitable for submission to the Tuen Mun District Council, Tuen Mun Rural Committee and Yuen Long District Council for consultation.

212. The Chairman thanked the representatives of government department for attending the meeting. They left the meeting at this point.

[The Chairman and Mr Lincoln L.H. Huang left the meeting and the Vice-chairman took over the chairmanship at this point.]

### **Sha Tin, Tai Po and North**

#### **Agenda Item 7**

[Open Meeting (Presentation and Question Session only)]

Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan No. S/NE-TKP/B  
Preliminary Consideration of a New Plan  
(TPB Paper No. 9441)

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[The meeting was conducted in Cantonese.]

213. The following representatives of Planning Department (PlanD) was

invited to the meeting at this point:

- |             |  |
|-------------|--|
| Mr C.K. Soh | - District Planning Officer/Shu Tin, North and Tai Po (DPO/STN), PlanD |
| Mr David Ng | - Senior Town Planner/ New Plans, PlanD                                |

214. The Chairman extended a welcome and invited PlanD to brief Members on the Paper.

215. With the aid of a powerpoint presentation, Mr David Ng made the following main points as detailed in the Paper:

#### Background

- (a) on 7.1.2011, the draft To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). After completion of the plan-making process, the DPA Plan was approved by Chief Executive in Council (CE in C) on 7.2.2012;
- (b) pursuant to section 20(5) of the Ordinance, the DPA Plan was effective for a period of 3 years until 7.1.2014. As such, an OZP had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the To Kwa Peng and Pak Tam Au area (the Area) upon expiry of the DPA Plan;
- (c) on 30.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Area;

#### Proposals Put Forward during the Board's Consideration of the Representations on the DPA Plan on 15.7.2011

- (d) environmental concern groups suggested that the Area or the

ecologically and environmentally sensitive areas such as the coastal area and mangrove community, fung shui woodland and secondary forest and natural stream be designated for conservation purpose including “Coastal Protection Area” (“CPA”), “Conservation Area” (“CA”) and “Green Belt” (“GB”) zones;

- (e) local villagers’ proposals for Pak Tam Au were:
  - (i) the central and north-western parts be designated as “Village Type Development” zone (“V”);
  - (ii) the area near the hill to the north be designated as “Government, Institution or Community” (“G/IC”) for the development of community centre for clubhouse and recreational purposes; and
  - (iii) the southern part be designated as “Agriculture” zone (“AGR”) for agricultural rehabilitation by the overseas returnees;
- (f) while the Board decided not to meet the representations and not to propose any amendment to the draft DPA Plan, it was agreed that there was a need to strike a balance between environmental conservation and sustainable development of the Area which would be taken into account in the preparation of the future OZP;

#### The Planning Scheme Area

- (g) the Area, which comprised the To Kwa Peng area (about 9.77 hectares) and Pak Tam Au area (about 15.19 hectares), covered a total area of about 24.96 hectares;
- (h) the Area was encircled by the Sai Kung East Country Park in the east and Pak Tam Road and Sai Kung West Country Park in the west;

To Kwa Peng

- (i) the To Kwa Peng area was characterised as follows:
- (i) it was located along the natural coast overlooking Ko Tong Hau at the north-western edge of the Sai Kung East Country Park about 12 km to the north-east of Sai Kung Town. It was accessible by a walking trail off Pak Tam Road or along the coast from the west and by marine access off a small pier fronting Ko Tong Hau and Long Harbour;
  - (ii) the To Kwa Peng area was rural in character comprising mainly fallow agricultural land surrounded by shrubs and woodland. While To Kwa Peng was a recognized village, the area was basically uninhabited with some ruins and a row of about seven village houses in dilapidated condition. To the west of these houses was a stretch of fallow agricultural land; and
  - (iii) there was a natural stream near the western boundary of the To Kwa Peng area flowing from south to north towards Ko Tong Hau. Estuarine mangrove and mudflat habitats were found along the coast fronting Ko Tong Hau. According to the Agriculture, Fisheries and Conservation Department (AFCD), uncommon species of mangroves, *Heritiera littoralis* (銀葉樹) and *Lumnitzera racemosa* (欖李) and seagrass, *Halophila minor* (小喜鹽草) were found in this mudflat;

Pak Tam Au

- (j) the Pak Tam Au area was characterised as follows:
- (i) the Pak Tam Au area was located along Pak Tam Road at the western edge of the Sai Kung East Country Park about 500m to

the south of the To Kwa Peng area. It was accessible by vehicle via Pak Tam Road and by walking trails connected to the Sai Kung East Country Park. The Pak Tam Au area fell entirely within an upper indirect water gathering ground (WGG);

- (ii) the area was rural in character comprising mainly fallow agricultural land at the centre surrounded by shrubs and woodland. Pak Tam Au was a recognized village with about 12 village houses up to three storeys in height in fair to good conditions. A short local track connected these houses with Pak Tam Road;
- (iii) the central part of the area comprised pockets of terraced fallow agricultural land overgrown with grass and shrubs surrounded to its north and south by slopes covered with woodland and dense natural vegetation. The woodland formed part of the well-established vegetation in the Sai Kung East Country Park. Some graves were found at the small hill at the south-western corner of the area. There was a partially trained stream running across the central portion of the area from the slope in the east towards the west; and
- (iv) the area, with a section of Maclehorse Trail and Pak Tam Country Trail running across its northern and southern regions, was a popular spot for hikers;

#### Development Proposals Received in the Course of Preparation of the OZP

- (k) since the gazettal of the draft DPA Plan on 7.1.2011, and in the course of preparing the OZP, two specific planning proposals and 22 planning applications had been received. Also, some views/proposals were received from informal meetings/site visits with concerned parties.

Specific planning proposals

- (l) for To Kwa Peng, the relevant indigenous inhabitant representative (IIR) submitted a proposal on the “V” zone boundaries. He proposed to zone all the private land within the village ‘environs’ (‘VE’) and part of the private land beyond the ‘VE’ as “V”;
- (m) for Pak Tam Au, AF Architecture & Planning Consultants Ltd submitted development planning and ecological conservation proposals, which comprised a total of 76 Small Houses, open space with an eating place, a youth hostel, an organic hobby farm, and an ancillary car park, etc., with an access road/ emergency vehicular access (EVA), two communal sewage treatment plants and landscape planting;

Views/Proposals from Informal Meetings/Site Visits with Concerned Parties

- (n) the main views and proposals were summarised below:
  - (i) the local villagers were of the view that there was a need to strike a balance between development and conservation; and adequate land should be designated to meet their Small House demand;
  - (ii) environmental concern groups suggested that the OZP should focus on conservation and the proposed “V” zone should be confined to the existing ruins of structures and its surrounding areas while the ecologically sensitive areas should be preserved and protected. Also, conservation zonings such as “CA” and “CPA” were preferred for the secondary woodland extending from the country parks, natural streams and coastal areas including the mangrove/freshwater marshes thereat. Adequate

buffer zones should also be provided on both sides of natural streams;

- (iii) Kadoorie Farm & Botanic Garden Corporation (KFBG) had also provided information on the important habitats in the Area. In this regard, AFCD had no comment on the information on the rare and protected species provided by KFBG as the information was based on KFBG's previous record; and
- (iv) the planning assessments of the two specific proposals were at Appendices V and VI of the Paper respectively;
- (o) in preparing the draft OZP and delineating the various zones such as "CPA", "CA", "GB", "V", etc., the above views had been taken into account;

*Planning Applications Received*

- (p) a total of 22 planning applications in the Area were received, with 15 for NTEH (Small House) and seven for rebuilding of NTEH (non-Small House). Twelve applications were subsequently withdrawn. For those 10 unwithdrawn planning applications:
  - (i) one planning application (No. A/DPA/NE-TKP/1) for three Small House developments at the Pak Tam Au area was approved with conditions in July 2011 mainly on the ground that there were special circumstances of the case, where Certificate of Exemption (C of E) for the three Small Houses were issued six years ago, and concerned government departments, including the Water Supplies Department (WSD) and the Environmental Protection Department (EPD) had no objection to the application subject to imposing relevant approval conditions; and

- (ii) six planning applications for Small Houses in Pak Tam Au and three planning applications for Small Houses in To Kwa Peng were rejected mainly on, *inter alia*, on grounds of adverse environmental impacts on the surrounding areas;

#### Environmental and Conservation Considerations

##### To Kwa Peng

##### *“Conservation Area” (“CA”)*

- (q) according to AFCD, To Kwa Peng was mainly covered by wooded areas, bare ground and village houses. The wooded areas adjacent to the Sai Kung East Country Park were relatively undisturbed and ecologically-linked to the natural habitats therein. The *fung shui* woodland behind the village remained largely intact with a dense canopy. A high diversity of flora species (96 species), including the protected *Aquilaria sinensis* (土沉香) and *Pavetta hongkongensis* (香港大沙葉), had been recorded. *Aquilaria sinensis* (土沉香) had also been recorded in the woodland at the knoll northeast of the *fung shui* woodland. Though most of the species recorded in the subject site were common and widespread, To Kwa Peng had been identified as a butterfly hotspot with over 40% of the local species recorded, including the very rare *Choaspes hemixanthus* (半黃綠弄蝶), and the rare *Zographetus satwa* (黃裳腫脈弄蝶) and *Abraximorpha davidii* (白弄蝶);
- (r) land use proposal - AFCD recommended that the “CA” zoning should not only cover the *fung shui* woodland, but also the woodland on the eastern side of the area and the woodland adjoining the Sai Kung East Country Park along the southern and western boundary of the area. This “CA” zone mainly consisted of relatively undisturbed native woodland adjacent to the Country Park;

“Coastal Protection Area” (“CPA”)

- (s) for the coastal areas, AFCD commented that the natural mudflat on the coast supported dense mangrove stands comprising seven species of mangroves, including the uncommon *Heritiera littoralis* (銀葉樹) and *Lumnitzera racemosa* (欖李). Two seagrass species, *Halophila minor* (小喜鹽草) and *H. ovalis* (喜鹽草) had also been recorded at the mudflat. The area was one of the most species-rich sites in Hong Kong with respect to mangrove fauna, with a total of 52 species recorded. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) advised that some wetland plants, such as *Kandelia canel* (水筆仔), *Heritiera littoralis* (銀葉樹), *Glochidion zeylanicum* (香港算盤子), etc., were found along the eastern coast of To Kwa Peng and along two sides of the existing footpath. According to the Landscape Value Mapping of Hong Kong (2005), the To Kwa Peng area was of a high landscape value of rural character with scenic setting;
- (t) land use proposal - the coastal areas along Ko Tong Hau was proposed to be zoned “CPA” in order to conserve the coastal habitats and provide visual buffer to the scenic coastline. The “CPA” zone primarily consisted of the natural coast, estuarine, mangrove, backshore vegetation and the existing pier, etc., with the objective to comprehensively preserve the coastal landscape and minimize the adverse impact from village development. Two existing village houses were located in the middle of the coastal area near the pier, future proposed redevelopment of these houses would require planning permission from the Board;

“Green Belt” (“GB”)

- (u) the west of the existing village cluster of To Kwa Peng mainly comprised relatively disturbed, young woodland and shrubby

grassland developed from abandoned agricultural land. A natural stream passed through this woodland/shrubby grassland from the south to the semi-enclosed coast of Ko Tong Hau with limited tidal flush in the north where abundant mangroves and backshore vegetation were found;

- (v) AFCD commented that maintaining a buffer between the natural stream and the village was desirable from the nature conservation point of view. On the landscape aspect, CTP/UD&L advised that the natural stream was a significant landscape resource, particularly the estuarine area of this stream that supported mangroves and adjacent coastal plants and provided high coastal landscape scenery value;
- (w) land use proposal - it was proposed that the natural stream and the adjoining areas mainly occupied by shrubland and young woodland be designated as “GB” so as to provide a buffer between the village development/ expansion and conservation areas or Country Park;

Pak Tam Au

“Conservation Area” (“CA”)

- (x) according to AFCD, the Pak Tam Au area was mainly covered by wooded areas, bare ground and village houses. A partially disturbed *fung shui* woodland was found behind the village with a moderately high diversity of flora species (62 species), including the protected *Pavetta hongkongensis* (香港大沙葉). The well-wooded periphery of the area was ecologically-linked to the wide stretch of natural vegetation in the Sai Kung East Country Park though most of the fauna recorded therein were common and widespread species;
- (y) land use proposal - AFCD recommended “CA” zoning for the *fung*

*shui* woodland and the woodland adjoining the Sai Kung East Country Park along the boundary of the whole area except the permitted burial ground for indigenous villagers at the southwest. The areas recommended for “CA” zoning consisted of relatively undisturbed, native woodland. The “CA” zone would also serve as a buffer between the village area and the Sai Kung East Country Park adjoining the OZP boundary;

*“Green Belt” (“GB”)*

- (z) land use proposal - to reflect the traditional burial ground at the southwestern vegetated knoll of Pak Tam Au, it was proposed that the area be designated as “GB”. The boundary of this proposed “GB” zone adjoined the “CA” zone proposed above and the Sai Kung East Country Park and Pak Tam Road;

Land for Village Development

- (aa) To Kwa Peng and Pak Tam Au were the only two recognized villages in the Area and the areas of their ‘VE’ were about 5.23 ha and 3.74 ha respectively. According to the 2011 Population Census, the population in the To Kwa Peng and Pak Tam Au areas was below 50 persons;
- (bb) the latest information on the Small House demand was obtained from the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD). According to the established practice of the Board, if there was substantial and unjustified increase in the updated 10-year demand forecast figure when compared with the previous corresponding figure during the preparation of the DPA Plan, the latter would be adopted for the preparation of the OZP unless strong justifications were received by the respective IIR;
- (cc) as such, the total Small House demand of 102 for To Kwa Peng (i.e.

current outstanding (72) plus previous 10-year forecast (30) in 2010) and 36 for Pak Tam Au (i.e. current outstanding (11) plus previous 10-year forecast (25 rather than “over 25”) in 2010) were adopted. Based on PlanD’s preliminary estimate, land required for meeting the Small House demand of 102 (for To Kwa Peng) and 36 (for Pak Tam Au) was about 2.55 ha and 0.90 ha respectively;

- (dd) with reference to the Small House demand and ‘VE’ for the recognized villages as enumerated above, PlanD had analyzed the conditions of the area within ‘VE’ taking account of the existing village cluster, environmental conditions, natural terrain and topography of the Area:
  - (i) To Kwa Peng Village was mainly concentrated at the toe of the hillslopes in the central part of the area. Land within the ‘VE’ at the central part of the area comprised existing village clusters and ruin structures of To Kwa Peng Village and the adjoining *fung shui* wood, as well as some hilly slopes in the south, a knoll in the east, some fallow agricultural land with a natural stream in the north-west and the natural coastline with a narrow strip of mangrove in the north; and
  - (ii) for Pak Tam Au Village, the existing village cluster was mainly concentrated at the toe of the hillslopes in the north-western part of the area near Pak Tam Road. Land within the ‘VE’ at the central and north-western part of the area comprised existing village clusters and ruin structures of Pak Tam Au Village and the adjoining *fung shui* wood, as well as some hilly slopes in the north and west, some fallow agricultural land in the east, south and west, and a natural stream in the south;
- (ee) given the natural environment with conservation and landscape value coupled with inaccessibility due to lack of or limited vehicular access, an incremental approach for designation of “V” zone for

Small House development had been adopted with an aim to consolidating Small House development at suitable locations so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area;

- (ff) discounting the surrounding environmentally sensitive areas, including coastal mangrove and mudflat, natural stream and woodland which were zoned “CA”, “CPA” and “GB” zones, the area for “V” was about 1.94 ha of land (for To Kwa Peng) and about 3.64 ha of land (for Pak Tam Au);
- (gg) in To Kwa Peng, there was insufficient land to meet the outstanding and 10-year Small House demand (a deficit of about 1.58 ha of land or equivalent to about 64 Small House sites). For Pak Tam Au, there was sufficient land to meet the outstanding and 10-year Small House demand (a surplus of about 0.94 ha of land or equivalent to about 37 Small House sites). Opportunity might be taken to make use of the surplus area to accommodate the potential cross-village applications for areas where there was a shortage of available land for Small House developments, such as for To Kwa Peng;
- (hh) overall, there was still insufficient land to meet the total outstanding and 10-year Small House demand in To Kwa Peng and Pak Tam Au (a deficit of about 0.64 ha of land or equivalent to about 27 Small House sites). However, the villagers might apply for Small House development in other zones, including the proposed “GB” zone in To Kwa Peng, which would be considered by the Board on its individual merits;
- (ii) for Pak Tam Au, while the channelized part of a stream passed through the middle of the proposed “V” zone, there were practical difficulties to exclude this channelized stream and the adjoining area from the “V” zone. In this regard, it would be clearly stated in the Explanatory Statement (ES) of the “V” zone that when processing

Small House grant and applications in close proximity to existing stream courses, AFCD and PlanD should be consulted;

- (jj) in addition, the Pak Tam Au area also fell entirely within the upper indirect WGG. For any village type development within the “V” zone, it had to be demonstrated that the water quality within the WGG would not be affected by the proposals;

#### Draft Outline Zoning Plan

- (kk) planning intention - the general planning intention of the Area was to protect its conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks;
- (ll) land use zonings – the land use proposals highlighted above were incorporated in the draft OZP No. S/NE-TKP/B in Appendix I of the Paper and detailed in paragraph 10 of the Paper as summarised below:
  - (i) an area of 5.58ha (22.36% of the total planning scheme area) was zoned “V” to cover both existing recognised villages (To Kwa Peng and Pak Tam Au) and areas of land considered suitable for village expansion. The boundaries of the “V” zones were drawn up having regard to the ‘VE’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints;
  - (ii) an area of 1.79ha (7.17% of the total planning scheme area) was zoned “GB”. In To Kwa Peng, the “GB” zone covered the natural stream and adjoining areas covered by relatively disturbed and young woodland from abandoned agricultural land. In Pak Tam Au, the “GB” zone covered the permitted burial ground;

- (iii) an area of 16.51 ha (66.14% of the total planning scheme area) was zoned “CA” to cover the relatively undisturbed native woodlands on the hillsides in both areas; and
- (iv) an area of 1.08ha was zoned “CPA” (4.33% of the total planning scheme area) to cover the coastal area along Ko Tong Hau mainly comprising mangrove-associated plants and backshore vegetation in To Kwa Peng;

#### Consultation

- (mm) the draft OZP together with its Notes and ES and the Planning Report had been circulated to relevant government bureaux and departments for comments. Comments received had been incorporated as appropriate; and
- (nn) subject to agreement of the Board, the draft OZP No. S/NE-TKP/B would be submitted to the Tai Po District Council and Sai Kung North Rural Committee for consultation. Comments collected would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

216. As the representatives of PlanD had finished the presentation, the Vice-chairman invited questions from Members. He said that the OZP had tried to balance the need for village development with the need for conservation. He noted that more land was zoned “V” in Pak Tam Au to cater for the shortfall in To Kwa Peng and about 80% of the overall demand in both villages could be satisfied.

217. A Member said that it appeared that too much land was reserved for “V” in Pak Tam Au. It might be inconsistent with the Board’s practice if the updated 2013 Small House demand data, that were normally substantially higher than the previous data, was used for considering the “V” zone in Pak Tam Au. Another

Member considered that it was appropriate to provide for some 'surplus' land in Pak Tam Au to help cater for the deficit in To Kwa Peng.

218. A Member said that the OZP was a good example of sustainable development as it had struck a good balance between development and conservation. The Member supported the zoning of the fung shui woodland as "CA".

219. In response to the Members' questions, Mr C.K. Soh (DPO/STN) said that designation of "V" based on a number of factors, including the landscape, terrain and visual amenities of the area. On that basis, land identified suitable for "V" in To Kwa Peng was inadequate to satisfy the Small House demand of the village and hence, a larger "V" zone was designated in Pak Tam Au so that the overall Small House demand in both villages could be better provided for. In estimating the Small House demand for delineation of the "V" zones, the 2010 10-year forecasts, rather than the latest 2013 figures, were used. Even so, the "V" zones were only sufficient to satisfy about 80% of the overall Small House demand for both villages. The Secretary supplemented that similar approach of reserving more land in one village (that had more land suitable for development) to cater for the Small House demand in another village (that was subject to more development constraints) through cross-village Small House applications was also adopted in the Sai Kung area.

220. After deliberation, Members:

- (a) adopted the updated Explanatory Statement (ES) as an expression of the planning intention and objectives of the Board for various land use zonings of the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B; and
- (b) agreed that the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B together with its Notes and ES were suitable for submission to the Tai Po District Council and Sai Kung North Rural Committee for consultation.

221. The Chairman thanked the representatives of PlanD for attending the

meeting. They left the meeting at this point.

Procedural Matters

**Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Tai O Fringe Outline Zoning Plan No. S/I-TOF/1 (TPB Paper No. 9456)

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[The meeting was conducted in Cantonese.]

222. The Secretary reported that the draft Tai O Fringe Outline Zoning Plan No. S/I-TOF/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 24.5.2013. During the two-month exhibition period, 77 representations were received. On 16.8.2013, the representations were published or public comments for three weeks and 359 comments were received.

223. Since the proposed amendments to the Plan had attracted wide public and local interests, it was considered more appropriate to hear the representations and comments by the full Board without resorting to the appointment of a Representation Hearing Committee (RHC). As most of the representations and comments were submitted in the form of standard or similar letters, and the grounds of representations and comments were also similar and interrelated in nature, they were appropriate to be considered collectively in one group.

224. After deliberation, the Board agreed that the representations and comments should be heard by the Board in the manner as proposed in paragraphs 3.2 and 3.3 of the Paper.

**Agenda Item 13**

[Open Meeting]

Submission of the Draft Tsim Sha Tsui Outline Zoning Plan No. S/K1/27A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9462)

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[The meeting was conducted in Cantonese.]

225. Ms Christina M. Lee had declared interest on this item as her company owned a property at Kimberley Road and her spouse owned a car parking space at 1 Austin Road West. Members agreed that the interest of Ms Lee was indirect as the property and the car parking space were both located away from the representation site. Members also noted that Ms Lee had left the meeting.

226. The Secretary introduced the Paper. On 11.1.2013, the draft Tsim Sha Tsui Outline Zoning Plan (OZP) No. S/K1/27 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, 573 representations were received. On 22.3.2013, the representations were published for public comments for three weeks and 26 comments were received.

227. On 14.6.2013, after giving consideration to the representations and comments, the Board decided not to uphold the representations and not to propose any amendment to the draft OZP. The Board also requested PlanD to consult relevant bureaux/departments again on the need to provide Government, institution or community (GIC) facilities in the future development on the site. Members noted that upon further consultation with concerned bureaux/departments and consideration of all relevant factors, it was decided that no GIC facilities would be included in the site.

228. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval in accordance with section 8 of the Ordinance. For submission to the CE in

C, the draft Tsim Sha Tsui OZP had been renumbered as S/K1/27A.

229. After deliberation, the Board :

- (a) agreed that the draft Tsim Sha Tsui OZP No. S/K1/27A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Tsim Sha Tsui OZP No. S/K1/27A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

#### **Agenda Item 14**

[Open Meeting]

Submission of the Draft Shouson Hill & Repulse Bay Outline Zoning Plan No. S/H17/12A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9464)

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[The meeting was conducted in Cantonese.]

230. Members noted that the Chairman had declared interest on this item as he resided in the government quarters in the Shouson Hill area. Members considered that the Chairman's interest was remote as his residence was not his own property. Members also noted that the Chairman had left the meeting.

231. The Secretary introduced the Paper. On 22.3.2013, the draft Shouson Hill & Repulse Bay Outline Zoning Plan (OZP) No. S/H17/12 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, 210 representations were received. On 7.6.2013, the representations were published for public comments for three weeks and no comment was received.

232. On 13.9.2013, after giving consideration to the representations, the Board noted the clarification of one representation and the support of one representation (part), and decided not to propose any amendment to the draft OZP to meet the other representations.

233. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, the draft Shouson Hill & Repulse Bay OZP had been renumbered as S/H17/12A.

234. After deliberation, the Board :

- (a) agreed that the draft Shouson Hill & Repulse Bay OZP No. S/H17/12A and its Notes at Annex I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Shouson Hill & Repulse Bay OZP No. S/H17/12A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 15**

[Open Meeting]

Confirmation of the Proposed Amendment under Section 6G and Submission of the Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/13 to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9466)

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[The meeting was conducted in Cantonese.]

235. The Secretary introduced the Paper. On 18.1.2013, the draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/13 was exhibited for public inspection under section 5 of the Ordinance. During the 2-month exhibition period, seven representations were received. On 5.4.2013, the representations were published for public comments for three weeks and four comments were received.

236. On 9.8.2013, after giving consideration to the representations and comments, the Board decided to propose amendment to the draft OZP to meet one representation related to the “Residential (Group C)2” (“R(C)2”) site to the east of Hang Tau Road by amending the eastern boundary of the “R(C)2” site. The Board also agreed not to propose any amendment to meet the remaining six representations.

**Confirmation of Proposed Amendment under Section 6G of the Ordinance**

237. On 23.8.2013, the proposed amendment to meet the representation (i.e. to rezone an area to the east of Hang Tau Road from “Recreation” to “R(C)2”) was published for three weeks for further representations. Upon expiry of the three-week exhibition period, no further representation was received.

238. Members noted that in accordance with section 6G of the Ordinance, the draft OZP should be amended by the proposed amendment which was not the subject of any further representation.

Submission to Chief Executive in Council

239. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, the draft Kwu Tung South OZP had been renumbered as No. S/NE-KTS/13A.

240. After deliberation, the Board:

- (a) agreed that the draft Kwu Tung South OZP No. S/NE-KTS/13A and its Notes at Annexes II and III of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Kwu Tung South OZP No. S/NE-KTS/13A at Annex IV of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Items 16 and 17**

[Closed Meeting]

241. These items were recorded under confidential cover.

**Agenda Item 18**

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

242.           There being no other business, the meeting closed at 8:45pm.